14:1

A True and Exact

HISTORY

OF THE

SUCCESSION

OF THE

CROWN

OF

ENGLAND:

Collected out of Records, and the beſt Hiſtorians.

Written for the Information of ſuch as have been deluded and ſeduced by the Pamphlet, called *The Brief Hiſtory of the Succeſſion*, &c. pretended to have been written for the Satisfaction of the Earl of *H.*

LONDON,

Printed for *Cave Pulleyn*, in the Year MDCLXXXI.

[illegible]

A True and Exact History of the SUCCESSION *of the* CROWN *of* ENGLAND.

IN the Year 1594. *Parsons* the Jesuit; or, as [*a*] Mr. *Camden* says, *He*, Cardinal *Allen*, and Sir *Francis Ingleſield*, under the name of *R. Doleman*, wrote a Book entituled, *A Conference about the next Succeſſion to the Crown of* England, [*b*] divided into two Parts.

[a] *In his* Eliz. f. 482.

[b] *Title Page.*

The first, pretended to have been the *Diſcourſe* of a *Civil Lawyer*, concerning *Succeſſion* by Proximity of Blood in general, *contains*, for the moſt part, in nine Chapters, the very *Principles* of *Sedition* and *Rebellion*; proved and maintained, as is there alſo pretended, by *Examples* and *Texts* of Holy Scripture; Examples in *France*, *Spain*, *Germany*, *England*, and other *Nations*. The *Engliſh Examples* and *Inſtances*, generally, are *partially* cited, or *miſ-applied*, or not fully underſtood by the Author; and are matter of fact only.

The Second Part is there ſaid to be the *Speech* of a *Temporal Lawyer*, about the *particular Titles* of all ſuch as might pretend, *within England*, or *without*, to the *next Succeſſion* after Queen *Elizabeth*: which, according to his Account, were ten or eleven: yet this *Author* ſays (if any body will believe him) *That this Treatiſe was wrote out of* [*d*] *ſingular Affection and Devotion to that excellent Princeſs, and with ſpecial care of her Safety.*

[d] *In the Epiſtle Dedicatory.*

It was dedicated to the *Earl* of *Eſſex*, with deſign, after the Queen of *Scots* was taken off, [*e*] to baffle the Title of King *James*, who was her immediate Heir; and either to fix it upon the *Earl*, (for whom he had made a Title,) or to promote a Contention between the King and him about it, while by ſome means or other (which was their main intention) the *Infanta* of *Spain*, by a far-fetch'd *Title*, might obtain the *Kingdom*, and thereby advance their own Purpoſes and Religion.

[e] Ibid. f. 481, 482, 483.

How juſtly this Book is cenſured by the *Judicious Camden*, and branded with *Perfidiouſneſs*, and *Deſign* to *delude* and *abuſe* the People, raiſe *Tumults* and *Seditions*, the Reader may ſee in the places cited in the Margin.

[f] *This is the common Cheat, to call the two Houſes, or a prevailing Party in the two Houſes, or in one Houſe, a Parliament. So it was in the Reign of* Edward II. Richard II. *and* Charles I. *That Rebellious, reſtleſs Faction, that murthered them when they were Priſoners, called themſelves a Parliament: when as nothing can conſtitute a Parliament, but the King, Lords Spiritual and Temporal, and Commons, all in perfect Freedom.*

In the Year 1648. as a *Preparative* to the *Depoſition* and *Murther* of King *Charles* the First, there was publiſhed a *Pamphlet*, and printed at *London* by *Robert Ibbitſon*, under the Title of *Several Speeches, delivered at a Conference concerning the Power of* [*f*] *Parliaments to proceed againſt their King for Miſ-Government*: And the *Heads* in the *Title Page*, upon which theſe *Speeches* are pretended to be made, are in number nine, and the very ſame, *verbatim*, with the *Titles* of *Doleman*'s nine Chapters in his *firſt Part* of the *Conference* touching the *Succeſſion* to the *Crown*: and the Matter and words of the Speeches themſelves, almoſt in all things, are the very ſame, except the *Tranſitions*, *Connexions*, and ſome *few*, not material paſſages, which are left out.

From theſe *Conferences* of *Doleman*, which by *crafty* Men were publiſhed by *Retail*, in ſeveral *Pamphlets*, *Speeches*, *Declarations*, *pernicious Deductions*, &c. and from the *nine Speeches* laſt mentioned, all the *Factions* in the late times of Rebellion, were furniſhed with *Arguments*, *Reaſons*, *Examples* and *Pretences* for their Seditious Practices.

And the *Suggeſtions* of the *Act* for the *Tryal* of King *Charles* the First, and the *Materials* of the long *Speech Bradſhaw* made, to declare the Grounds of the Sentence, and aggravate the things laid to his charge, by

miſ-applying both *Law* and *Hiſtory*, were *borrowed* from theſe Books: as likewiſe was *much* of the moſt *ſeditious* part of *Milton*'s Book, entituled, *The Defence for the People of* England.

Alſo in the Year 1655. at *London*, was printed an *Abſtract* of *Parſons* his Book, containing the *Subſtance*, and often the *Words* of it. The Chapters being *divided* into ſeveral ſhort *Sections*, with *Titles* to each of them; this bears the name of a *Treatiſe concerning the broken Succeſſion of the Crown of* England. To what end it was at that time publiſhed I cannot gueſs, unleſs to ſet up a *Foreign Title*, or make way for *Oliver Cromwell*'s Kingſhip.

And now lately there hath come forth a *Pamphlet*, under the name of *A Brief Hiſtory of the Succeſſion, collected out of the Records, and moſt Authentick Hiſtorians; for the Satisfaction of the Earl of* H.

Much of the *Materials* of this *Pamphlet*, and moſt of the *Hiſtory* contained in it concerning the *Succeſſion*, are taken out of the *Jeſuit*'s Book, the *Speeches* and *Abſtract* before mentioned; but this *Author*'s induſtry leads him further than *Polydor Virgil*, who is moſtly cited by his *three Predeceſſors*; and ſometimes *Stowe* and *Hollinſhead*. And for the making his Work more *plauſible* and *paſſable*, and more readily to be received by his ordinary Readers, he takes very little notice of *Polydor* (who *pointed* him to his *Authors* and *Places*) but cites *William* of *Malmsbury*, *Henry* of *Huntington*, *Simeon Dunelm.* *Ailredus*, *Abbas Rievalleuſis*, *Brompton* and others, ancient Writers, in his *Saxon Inſtances* eſpecially: whoſe Words, if faithfully cited, would have been of no uſe to him; for often, in the middle of the *Sentences*, and of *Records* he hath cited, he hath left out ſuch Words and Matters as would have ruined the Deſign of his Hiſtory. A Parallel of his Words, with the true Words of the Authors from whence he had them, will be given at the latter end of this Treatiſe.

Hence we proceed to the *Succeſſion*; by a true Hiſtory whereof, Men will be able to judg what was the Government, and how the Crown hath Hereditarily deſcended for many Ages in this Nation: And though Hiſtory is ſo deficient, and the many *Rencounters*, and *Invaſions* of one another's *Territories*, and Bickerings between the petty Kings and Governors of the *Saxons* in the time of the *Heptarchy*, the Succeſſion cannot be well made out; yet (though not in all) we may be able to make out a Succeſſion in the greateſt and moſt Illuſtrious Kingdom of them; which was that of the *Weſt-Saxons*.

The Saxon *Succeſſion*.

Egbert, who is commonly ſaid to be the firſt *Saxon* Monarch, though he brought not the whole *Heptarchy* under his Power and Government, ſucceeded *Brihtric*, King of the *Weſt-Saxons*. The Words of the *Saxon* Chronicle are theſe only; [*a*] BEORHTRIC CYNING FORTHFERD & ECGRYHT FENG to WEST-SEAXNA RICE. Which words the Tranſlator thus renders, Beorhtricus *Rex Occidentalium obiit*, Egbryhtus *Occidentalium* Saxonum *Regnum capeſſit*.

[*a*] Anno Dom. 801.

And [*b*] *Florence* of *Worceſter*, who ſtrictly follows this Chronicle, ſays, *Rex Occidentalium* Saxonum Brihtricus *obiit* & Egbertus *ſucceſſit*: that is, Brihtric *died, and* Egbert, *King of the* Weſt-Saxons, *took the Kingdom, or ſucceeded him*.

[*b*] Anno eod.

[*c*] *Simeon Dunelmenſis* ſays, *Defuncto Rege glorioſo* Brihtrico *Occidentalis regni, ſuſcepit poſt ipſius obitum Regnum & Imperium* Egbertus *Rex, qui ex regali illius gentis proſapia exortus Diadema totius regni capiti impoſuit.*

[*c*] Anno Dom. 801.

[*d*] *William*

[d] *William* of *Malmsbury* is more particular in this matter, and reports the Jealouſie *Brihtric* had of *Egbert*, *Quem ſolum regalis proſapiæ ſuperſtitem, validiſſimum ſuis utilitatibus obicem metuebat*, Franciam *fugandum curavit*. Who only of the Royal Line was left, and the greateſt Check to his Deſign, he cauſed to fly into *France*.

d De Geſt. Reg. fol. 8. a. n. 10.

[e] *Nam & ipſe* Brihtricus & *cæteri infra* Inam *Reges licet naturalium ſplendore gloriantes, quippe qui de* Cerdicio *originem traherent, non parum tamen linea regiæ ſtirpis exorbitaverant*. For though *Brihtric* himſelf, and the reſt of the Kings ſince *Ina*, boaſting of their Lineage, as drawing their *Origin* from *Cerdic*; yet they did not a little exorbitate from the true Royal Line.

e Ibidem.

The Pedigree of Egbert.

[f] Egbertus *fuit filius* Ealmundi, Ealmundus Eafæ, Eafa Eoppæ, Eoppa *fuit filius* Ingildi: *Egbert* was the Son of *Ealmund*, *Ealmund* of *Eafa*, *Eafa* of *Eoppa*, *Eoppa* of *Ingild*, [g] the only Brother of *Ina*, King of the *Weſt Saxons*; who left his Kingdom, went to *Rome*, lived a Monaſtick Life, and died Childleſs.

f Chron. Sax. Anno Dom. 854. Flor. Wigorn. 849.
g Gul. Malm. fol 7. a. n. 30.

[h] *Ethelwolfe* ſucceeded his Father *Egbert* in the Kingdom of the *Weſt-Saxons*, and he gave to his other Son *Æthelſtan* his Conqueſts, *Kent*, *Eaſt-Sex*, *Surrey* and *Suſſex*; of which he made him King. [i] *Malmsbury* ſaith thus; Ethelwolphus Weſt-Saxonum *regno contentus, cætera quæ pater ſubjugaverat Appendicia, Æthelſtano filio contradidit, qui quanto & quo fine defecerit incertum.*

h Chron. Sax. Flor. Wigor. Anno Dom. 836
i Fol. 20. a. n. 30.

[k] *Ethelwolph* by Will divided his Kingdom between his Sons *Ethelbald* and *Ethelbert*. [l] To *Ethelbald* he gave *Weſt-Saxony*, to the other *Kent*, &c. and by Will gave the Kingdom of *Weſt-Saxony* to his Sons *Ethelred* and *Elfred*, after *Ethelbald*'s Death, Succeſſively.

Ethelbald lived but five Years, when *Ethelbert* poſſeſſed the whole Kingdom, *Ut juſtum erat*, ſays [m] *Aſſer*, *Florence* of *Worceſter*, and *Simeon Dunelmenſis*.

k Malm fol. 22. a. n. 20. & b. n. 30 Flor Wig. An Dom. 855.
l Chron Sax. An. Dom 854.
m Fol. 23. n. 40. An. Dom. 860.

[n] *Ethelred*, third Son to *Ethelwolph*, and Brother to *Ethelbert*, ſucceeded him in his Father's Kingdom, who Reigned five or ſix Years.

n Flor. Wigor. Chron Sax. 866. Malm. fol. 22. b. n. 50.

[o] *Alfred*, fourth and youngeſt Son of *Ethelwolph*, ſucceeded his Brother *Ethelred*. *Fratribus ſuis Secundarius fuit*: He was a Coadjutor, or Aſſiſtant to his other Brothers. *Aſſer. fol. 7. n. 50.*

o Ibid fol. 27. a. n. 40. Chron. Sax. An. Dom. 871. Flor Wig.

To whom ſucceeded his Son [p] *Edward*, called the *Elder*.

To him ſucceeded his Son [q] *Ethelſtan*, EADWEARD CYNG FORTHFERD and ÆTHELSTAN his SUNN FENG to RICE. King *Edward* died, *Ejuſque filius* Æthelſtanus *capeſcit regnum*: And his Son *Æthelſtan* ſucceeded in the Kingdom. Theſe being the uſual Saxon and Latin Words by which the Succeſſion is expreſſed.

p Ibid. Anno Dom 901. Malm. fol. 25. n. 40.
q Chron. Sax. An. Dom. 925.

[r] *Florence* of *Worceſter*, and *Simeon* of *Durham*, both ſay, *Rex* Edwardus *Sen. ex hac vita tranſiens* Æthelſtano *filio regni gubernacula reliquit*: King *Edward* the *Elder* dying, left the Government of the Kingdom to his Son *Æthelſtan*. [ſ] *Malmsbury* ſays thus in the Hiſtory of *Edward* the *Elder*; *Juſſu Patris in Teſtamento* Æthelſtanus *in Regem acclamatus eſt*: By the Command of his Father, in his Will, *Æthelſtan* was proclaimed King.

r Both in An. Dom. 924.
ſ Lib. 2. cap 6. fol. 27. a. lin. 27.

By ſome *Æthelſtan* is affirmed to be a Baſtard, from the report of [t] *William* of *Malmsbury*, in the Book and Chapters laſt cited: Who tells us that one *Alfred*, a Man of [u] great Inſolence, and his Faction, oppoſed *Æthelſtan*, upon pretence he was a Baſtard. *Occaſio contradictionis ut ferunt* (ſays the Hiſtorian) *quod* Æthelſtanus *ex Concubina natus eſſet*: The occaſion

t Lib. 2. c. 6.
u Ibid fol. 29. lin. 32.

occaſion of Contradiction was, that *Æthelſtan* was born of a Concubine, as was reported. *Sed ipſe præter hanc notam ſi tamen vera eſt, nihil ignobile habens:* But he had no other Mark of Ill upon him but this, if it were true. And telling the ſtory how King *Edward* the *Elder* (as it was reported) ſtole a Leap with a Shepherd's Daughter, by the help of his ſometimes Nurſe; of whom, it is fabled, he begat *Æthelſtan*; he ſays he had it from [x] trite Tales and Songs; and that he related it not to defend the truth of it, but becauſe he would keep nothing from his Readers. Nor indeed is the ſtory credible; for the ſame Author in the ſame [y] Chapter reports, that his Grandfather, famous King *Alfred*, in his Life-time wiſhed him a proſperous Reign, embracing him as a Child of great Hope, and excellent Behaviour, and Knighted him in his Childhood; putting on him a Scarlet Cloak, and girding him with a Belt ſet with Gems, and a *Saxon* Sword in a Golden Scabbard. This ſo wiſe and great a King as *Alfred* was, would never have ſaid and done to a Baſtard.

x Ibid. n. 10.

y Ibid. fol. 27. l. 28.

[z] *Edmund* his Brother ſucceeded *Æthelſtan* in the Kingdom.

z Chron. Sax. An. Dom 941. Flor. Wig. Sim. Dunelm 940.

After him [a] *Edred*, third Brother to *Æthelſtan*, ſucceeded in the Kingdom, and was conſecrated King by *Odo* Arch Biſhop of *Canterbury*. This was done in the Nonage of King *Edmund*'s Sons, when they were very young, and the Nation under great difficulties. The *Saxon* Chronology ſays, EADRED ÆTHELING his Brother FENG to RICE *regnum capeſſit*. *Florence* of *Worceſter*, Edredus *proximus hæres fratris ſuccedens regnum ſuſcepit*. [b] *Malmsbury*, Edredus *tertius e filiis* Edwardi *regnum ſuſcepit*. *Simeon Dunelmenſis*, Edredus *frater* Edmundi *in regnum ſucceſſit*.

a Ibid. Anno Dom. 946.

b Fol. 30. a.n. 50.

Edwy [c] the Son of *Edmund* ſucceeded his Uncle *Edred*: He baniſhed *Dunſtan*, turned out Monks, and placed Secular Prieſts in Monaſteries; and [d] was ſo diſpleaſing to the *Mercians* and *Northumbrians*, that they rejected him, and choſe his Brother *Edgar*; who alſo ſucceeded *Edwy* in the Kingdom of the *Weſt-Saxons*. [e] Eadwigus *Rex* Kal. Octobris *obiit*, and *Edgar* his Brother FENG to RICE: *Edwy* died on the Firſt of *October*, and *Edgar* his Brother took the Kingdom. *Flor. Wigorn. Ab omni Anglorum populo Electus regnum ſuſcepit*. [f] *Malmsbury*, Edgarus *adoleſcentulus ſe decem annorum regnum adipiſcit*.

c Chron. Sax. Flor. Wig. An. Dom. 955.

d Nothing of this ſtory in the Saxon Chronology.

e Chron. Sax. An. Dom 957.

f Fol. 30 b.n. 40.

Edward his Son, called the *Martyr*, ſucceeded him; *filiumque ſuum* [g] Edwardum *& regni & morum hæredem reliquit*: And left his Son *Edward* Heir, as well of the Kingdom, as of his Vertues and Endowments. But there happening a Conteſt between him and his Brother about the *Succeſſion*, [h] *Quidam Regis filium* Edwardum, *quidam illius fratrem eligerunt*, Ethelredum: *quam ob cauſam Archipreſules* Dunſtanus & Oſwaldus *cum Co-epiſcopis, Abbatibus, Ducibuſque quamplurimis in unum convenerunt, &* Edwardum *ut pater eius præceperat eligerunt, Electum conſecrarunt, & in Regem unxerunt*: Some elected *Edward*, the King's Son, ſome his Brother *Ethelred*: wherefore the Arch-Biſhops, *Dunſtan* and *Oſwald*, with the Biſhops, Abbots, and very many Noble-Men, being gathered together, elected *Edward*, (as his Father had commanded) conſecrated and anointed him King. [i] This Conteſt was managed, and ſet on foot by *Elfrida*, ſecond Wife to *Edgar*, and Mother in Law to *Edward*.

g Chron. Sax An. Dom. 975. Flor. Wigor. 97[illegible] Sim. Dunelm. 975.

h Ibidem.

i Malmſ. fol. 33. b. n. 40.

Who [k] by her Contrivance being murthered, was ſucceeded by his Brother *Ethelred*. FENG ETHELRED ÆTHELING his BROTHER to RICE: and *Ethelred Ætheling* his Brother enjoyed or poſſeſſed the Kingdom.

k Flor. Wigor. An. Dom. 978. Sax. Chron. An. Dom. 978.

The

The *Danes*, ever ſince the beginning of King *Egbert*, having by continued Invaſions, haraſſed, and grievouſly waſted and moleſted *England*, in the Reign of King *Ælfred*, by [*l*] Pact and Bargain between him and *Guthrum*, enjoyed *Eaſt-Saxony*, or *Eſſex*, and the Country of the *Eaſt-Angles*, and a far greater part of this Nation, as many think. And in this King *Ethelred*'s Reign, *Swane*, King of *Denmark*, with a great Army invaded, and made himſelf Maſter of the whole Nation; forcing *Ethelred* and his Wife *Emmy*, Siſter to *Richard*, ſecond Duke of *Normandy*, with their two Sons, *Edward* and *Alfred*, into that Country.

l Fæd. Ælfr. & Guthr. c. 1. Lanob. fol. 36.

But [*m*] *Ethelred* had a former Wife *Elgive*, Daughter of Duke *Thored*: By her he had many Sons; of whom *Edmond* called *Ironſide* being the third, *Æthelſtan* and *Egbert* dying without Iſſue, by the [*n*] Election of the *Londoners* and *Weſt-Saxons*, ſucceeded his Father in the Kingdom.

m Ælfred. vit. Appen. 7. fol. 210.
n Ingulph, fol. 507, b. lin. 5.

Florence of *Worceſter* ſays, again, after the death of *Ethelred*, the Biſhops, Abbots, *Duces & quicque Nobiles* Angliæ met, and choſe *Cnute* the Son of *Swane*; but the *Londoners*, and that part of the Nobility which was with them, by one conſent made *Edmund* King. Anno Dom. 1016.

After [*o*] ſeveral Battels fought for the Sovereignty of the Kingdom between theſe two Pretenders and their Adherents, being weary on both ſides, they were perſuaded to part the Kingdom between them; which was done. But not long after *Edmund* died at *London*: The Arch-Traytor [*p*] *Edric*, after he had cauſed *Edmund*'s Brother *Edwy* to be murdered, adviſed *Cnute* to kill his two Sons alſo, *Edward* and *Edmund*. But he thinking it a great ſcandal and diſgrace to him that they ſhould be killed in *England*, ſent them to his Friend and Confederate, the King of *Sweves*, to be ſlain; who not complying with his deſire, ſent them to *Solomon*, King of *Hungary*, to be preſerved: where *Edmund* died, and *Edward* married *Agatha*, Daughter to *Henry* the *Roman* Emperor: by whom he had *Edgar*, *Ætheling*, *Edmund*, *Chriſtiana*, who all died without Iſſue, and *Margaret*, Queen of *Scotland*, whoſe Daughter *Maud* was married to *Henry* the Firſt.

o Ibid.
p Ibid. Anno Dom. 1017.

After the death of *Cnute*, the *Londoners*, as [*q*] *Ingulph* of *Croyland*, and [*r*] *William* of *Malmsbury* do report, choſe *Harold*; but the *Engliſh* had a mind to chuſe *Edward* the Son of *Ethelred*, or at leaſt *Hardecnute* the Son of *Cnute* by *Emme* his Wife, the Widow of King *Ethelred*, who was then in *Denmark*; and that he coming over, the Kingdom was divided between them; and taking Poſſeſſion of his Share, returned into *Denmark*: and that *Harold*, in his abſence, made himſelf Maſter of the whole Kingdom; who [*ſ*] living only four Years, after his death, both *Engliſh* and *Danes* ſent for *Hardecnute* into *Denmark* to ſucceed him. The Author of the *Encomium* of *Emme* [*t*] ſays, *Cnute* gave both this and his other Kingdoms to his Son *Harde-Cnute*, by *Emme*.

q Fol. 509. a. lin. 2.
r Lib. 2. c. 12.
ſ Flor. Wigor. Anno Dom. 1040.
t Fol. 184. c.

Edward, [*u*] by the Policy, Power and Induſtry, chiefly of Earl *Goodwin*, and *Livingus* Biſhop of *Worceſter*, was made King at *London*, and was anointed King at *Wincheſter* by the Arch-Biſhops of *Canterbury* and *York*, and almoſt all the Biſhops in *England*. He being in *England* at the time of the death of his half-Brother *Harde Cnute* [*x*] was in a great

u Flor. Wigor. Anno Dom. 1042, 1043.
x Malmſ. f. 450. n. 10, 20.

ſtreight, not knowing what to do, and thinking to retire into *Normandy*, as he was adviſed by the *Normans*, applied [*y*] himſelf unto Earl *Godwin*, who minded him whoſe Son he was, and of his Right to the Kingdom; and agreeing to marry his Daughter *Edgith*, and to other Conditions propounded to him, being forced by neceſſity to conſent thereto, *Godwin* (a Council being immediately called) by his Reaſons and Rhetorick, made him King. *Gul. Gemeticenſis* [*z*] ſaith, Hardecnutus *reliquit* Edwardum *fratrem totius regni Hæredem: Harde-Cnute* left *Edward* his Brother Heir of the whole Kingdom.

y Gemet, lib. 6. c. 9.

z Ibidem.

Ailred [*a*] Abbot of *Rievalle*, tells an idle Tale in the Life and Miracles of *Edward* the *Confeſſor*; that his Father, King *Ethelred*, being ſolicitous about a Succeſſor, though he had at that time two Sons, *Edmund Ironſide* and *Alfred*; yet in a great Convention of Biſhops and Noble Men before him, and a great Concourſe of ordinary People, by the Preſcience and Direction of God Almighty, this *Edward* was choſen King while he was in his Mother's Womb. *Præbet electioni Rex, conſenſu læti præbent proceres Sacramentum, & inſtitato Miraculo in ejus fidelitate jurarunt, qui utrum naſceretur ignorarunt:* The King conſents to the Election, and the Noble-Men joyfully; and by reaſon of an unuſual Miracle, ſwear Fealty to him before they knew whether ever he would be born. He is the only Author of this Legend that I know of, and do think it a little too groſs to be believed.

a Col. 372. n. 30, 40, 50.

Edward the Confeſſor deſigned his Nephew, Prince *Edward*, the Son of *Edmund Ironſide*, for his Succeſſor; and in the thirteenth Year of his Reign, nine Years before he died, ſent for him out of *Hungary*, where he then was in Baniſhment; but in a ſhort time after he died at *London*, [*b*] *Anno Dom.* 1057. Clito Edwardus *Regis* Eadmundi *ferrei lateris filius, ut ei mandarat ſuus Patruus Rex* Edwardus *de* Hungaria, *quo multo anno in exilium miſſus fuerat* Angliam *venit, decreverat enim Rex illum poſt ſe Regni hæredem conſtituere, ſed ex quo venit parvo poſt tempore vita deceſſit* Londoniæ.

b Sim. Dunelm. Col. 189. n. 20.

After the death of *Edward* the *Confeſſor*, *Harold* [*c*] *Throno Regio ſe intruſit:* And as *Ailredus* before-cited hath it, [*d*] *Quidam* Edgarum Adeling, *cui Regnum Jure hæreditario debebatur Regem conſtituere moliuntur, ſed quia puer tanto honore minus idoneus videbatur,* Haraldus *Comes de genere perditorum, cujus erat & mens aſtutior, & crumena fœcundior, & miles copioſior ſiniſtro omine Regnum obtinuit:* Some endeavoured to make *Edward Atheling* King, to whom the Kingdom belonged by Hereditary Right: But becauſe he was a Child, and ſeemed not fit for ſo great Honour, Earl *Harold*, a crafty Traytor, being better furniſhed with Money and Soldiers, by ſiniſter Fate obtained the Kingdom. To the ſame purpoſe *Henry* of *Huntingdon* ſays, *Quidam* Anglorum Eadgar Adeling *permovere volebant in Regem*; Haraldus *vero viribus & genere fretus Regni Diadema invaſit:* That is, Some of the *Engliſh* would have had *Edgar Atheling* King; but *Harold*, being well furniſhed with Forces, and aſſiſted by his Kindred, invaded the Crown, *f.* 210. *b. n.* 10.

c Ingulph, f. 511. b. n. 50.

d De Geneal. Reg. Angl. Col. 366. n. 50.

From the various Expreſſions of the antient Writers of the *Saxon* Story, concerning the Succeſſion, an unwary Reader would think the *Saxons* agreed not in one Rule of Succeſſion, or that they had no Rule at all. But whoever conſiders with underſtanding what here is ſaid, will

will find they had, and purſued a ſure Rule of Succeſſion; which was either Right of Blood, or the Nomination and Appointment of the preceding King (as we hinted before) which Nomination by the *Saxon* Kings moſtly happened in the Minority or Nonage of their Children, and that only [*b*] was thought and allowed Cauſe ſufficient for the Father to prefer his Brother's Son before his own, or a Baſtard before his lawful Iſſue. For by the ſubſequent Inſtances it will plainly appear, that the *Saxons* did in their Subjection, owning of, and Submiſſion to their Princes, acknowledge both Proximity of Blood, and Nomination of their Princes; often both, ſometimes only one of them; but never followed any other Rule.

b Vit. Ælfred. fol. 9. lin. 4. ſect. 9.

Æthelwolph, the Father of *Elfred*, notwithſtanding by Proximity of Blood his Sons were his Heirs, yet [*c*] bequeathed his Kingdom ſucceſſively to *Ethelbald* his Eldeſt, *Ethelredg* his Third, and *Ælfred* his Fourth; having before given *Kent*, *Surrey* and *Suſſex*, &c. to his Second Son *Ethelbert*: [*d*] yet he ſucceeded *Ethelbald* in all his Dominions, and *Ethelred* and *Ælfred* both ſucceeded him according to their Father's Will, [*e*] notwithſtanding it is ſaid *Ethelbert* had two Sons, *Athelm* and *Æthelwald*. This Teſtament of *Ethelwolph* [*f*] *Florence* of *Worceſter* calls *Epiſtola Hæreditaria*.

c Teſtam. Ælfred. Aſſer. f. 22. n. 20.

d Flor. Wigor. Anno Dom. 860, 86.

e Vit Ælfred. f. 9. in Not.

f fol. 584.

Edgar [*g*] *filium ſuum* Edwardum *& Regni & morum hæredem reliquit*: Left his Son *Edward* Heir of his Kingdom and Endowments. *Archipreſules* Dunſtanus & Oſwaldus *cum Coepis. Abbatibus & Ducibus quamplurimis una convenerant*, & Edwardum *ut pater ejus præceperat, eligerunt, electum conſecraverunt, & in Regem unxerunt*: The Arch-Biſhops *Dunſtan* and *Oſwald*, with their Fellow-Biſhops, Abbats, and very many Dukes, or prime Men, choſe *Edward*, as his Father had commanded, and conſecrated and anointed him King.

g Flor. Wigor. Anno Dom. 975. Sim. Dunelm. Ibid.

Eligerunt here ſignifies no more than *Recognoverunt*, They acknowledged, owned, ſubmitted unto him as their King, as his Father had commanded, and by Will appointed.

This King's Command was ſtricter than a *Conge D'eſtire*; where the King nominated the Perſon to be choſen Biſhop, and he is always accepted and owned by the Chapter; and yet they are ſaid to chuſe, though limited by the King's Nomination. So in many Corporations and Bodies Politick, in this and other Nations, they have a Perſon nominated to them; and yet they are ſaid to chuſe him, though they can chuſe no other.

Rex Edwardus *ſenior ex hac vita tranſiens*, [*h*] *filio* Æthelſtano *Regni Gubernacula reliquit*: King *Edward* the Elder dying, left the Government of the Kingdom to his Son *Æthelſtan*.

h Sim. Dunel, Flor. Wigorn. An. Dom. 924.

[*i*] Æthelſtanus *juſſu patris in Teſtamento in regem acclamatus eſt*: After him, his Brother *Edmund* ſwayed the Scepter.

i Malmſ. de geſt. Regn. l. 2. c. 6. f. 27. a. lin. 27.

Cui [*k*] Edredus *proximus heres fratri ſuccedens Regnum ſuſcepit*: To whom *Edred*, the next Heir, ſucceeded his Brother *Edmund*, and undertook the Government.

k Flor. Wigorn. An. Dom. 946.

What next Heir could *Edred* be to his Brother *Edmund* but a Teſtamentary Heir, when at that time he left two Sons, *Edwy* and *Edgar*, both ſmall Children, and both were Kings ſucceſſively, after their Uncle.

Concerning

Concerning this Teſtamentary Heir it is ſaid, *Viventis non eſt hæres*; for the Teſtator might alter his Will when he pleaſed. Theſe Teſtamentary Heirs were either *Scripti*, as when the Teſtament was written by the Teſtator: or *Nuncupati*, as when it was written by another, and dedicated by the Teſtator, or they were declared Heirs only before many Witneſſes without writing; and without doubt often it happened that our *Saxon* Kings did only call together the Biſhops and Nobility, or ſuch of them as they pleaſed, and declared their minds concerning their Succeſſor.

[d] Encomium Emmæ, fol. 164. B.

Cnutoni *virorum digniſſimo* [d] *pater* Swanus *Sceptrum commiſit Regale.* Swanus Danorum *Rex* Angliam *vi ſuo ſubjugandat imperio, moriens ejuſdem Regni* Cnutonem *Succeſſorem conſtituit: Swane*, King of *Denmark*, having ſubdued *England* by force; dying, appointed *Cnute* his Succeſſor in that Kingdom.

[e] Ibid. c.

By *Emme*, Widow to King *Ethelred*, whom he had married, and made his Queen, he had *Harde-Cnute* his Son: [e] To him his half-Brother *Cnute* gave all that had been any ways under his Government. But *Harde-Cnute* being in *Denmark* when his Father died, whereof he had made him King, *Harold* poſſeſſed himſelf of *England*.

[f] Ibid. 174. A. B.

Who was [f] *Cnute's* Son by a Concubine, or a Baſtard-Son of a Maid-Servant brought into his Concubine's Chamber, and impoſed on him by her. And for this reaſon *Elnoth*, Arch-Biſhop of *Canterbury*, refuſed to conſecrate him King, and to deliver him the Crown and Scepter.

[g] Gul. Gemet. lib. 6. c. 9.

Harold being dead, [g] *Harde-Cnute*, ſo ſoon as he was confirmed and ſetled in this Kingdom, called his half-Brother *Edward* by his Mother *Emme* (afterward called the *Confeſſor*) out of *Normandy*, and cauſed

[h] Ibidem.

him to live with him; who dying within two Years, [h] Edwardum *totius Regni reliquit hæredem*, Left *Edward* Heir of the whole Kingdom. He could be no other than a Teſtamentary Heir, there being Heirs of the right Line, both of *Saxon* and *Daniſh* Blood, before him.

[i] Ingulph. Hiſtor. hinc. fol. 512. b. n. 40.

Rex Edwardus [i] Robertum *Archiepiſcopum* Cantuariæ *Legatum ad* Gulielmum *Comitem* Normaniæ *a latere ſuo direxit, illumque deſignatum ſui Regni Succeſſorem tam debito cognationis quam merito virtutis ſui, Archipreſules relatu inſinuavit.*

King *Edward* ſent *Robert*, Arch-Biſhop of *Canterbury*, Envoy to *William*, Earl of *Normandy*, to let him know he was appointed his Succeſſor in his Kingdom, as well for that he was of his Kindred, as for his great Vertue.

[k] Fol. 181. D. Theſe three laſt Authors were living at that time.

With *Ingulph* agrees [k] *William* of *Poicton*: and adds, the Succeſſion was given to him by *Edward*, *Cum optimatum ſuorum aſſenſu.*

[l] Eadmer. l. 5. n. 10.

Harold [l] going to *William*, Duke of *Normandy*, to releaſe his Brother and Nephew that were Hoſtages with him for his Father Earl *Godwin's* Good Behaviour towards King *Edward*, he told *Harold* that King *Edward* had faithfully promiſed him, that if ever he ſhould be King, *Jus Regni in illum jure hæreditario poſt ſe transferret*: That he would, after himſelf, transfer the Hereditary Right of the Kingdom to him.

[m] Ibid. n. 40.

Yet [m] *Eadmer* ſays, *Juxta quod* Edvardus *ante mortem ſtatuerat, in Regnum ei ſucceſſit* Haraldus: according as *Edward* had appointed before his death, *Harold* ſucceeded him in the Kingdom.

Florence

Florence of *Worceſter* [*n*] ſays, Haraldus *quem Rex ante ſuam Deceſſionem regni Succeſſorem elegerat, a totius* Angliæ *primatibus ad regale Culmen electus eſt.* n f. 632. An. Dom. 1065.

Simeon of *Durham* [*o*] hath the ſame words. o Anno Dom. 1066.

Harold, whom the King had *choſen* his Succeſſor before his *Deceaſe*, was elected to the Royal Dignity by the chief Men of *England*. Here we ſee how the Election was bound and limited by the Nomination of the Succeſſor by the Predeceſſor.

Theſe are the words of *Florence* of *Worceſter*, and ſuch as follow him. Which notwithſtanding, he certainly was a plain Uſurper according to [*p*] *Ingulph* of *Croyland*, and *Aifred Abbas Rieval.* and *Henry* of *Huntington* before noted, the Donation of *Edward* being a meer pretence. p fol. 511, b. n. 50.

From *Egbert* the firſt *Saxon* Monarch, to *Ethelred* the laſt *Saxon* King, by Right of Blood, for the ſpace of two hundred and ſixteen Years, we read not of many Elections: and where we do meet them, they are bound and limited by Proximity of Blood, or Nomination of the Succeſſor by the Predeceſſor: And where the word Election, or any thing in that Senſe is uſed, it ſignifies only a Recognition and Submiſſion.

The *Saxon* Expreſſion concerning Succeſſion and the Succeſſor is always the ſame. FENG to RICE, variouſly turned by Tranſlators, *Regnum capeſſit* in the *Saxon* Chronology, which renders it *verbatim*; by others, *Succeſſit, electus eſt*, &c. He took Poſſeſſion of the Kingdom, He ſucceeded, He was choſen, &c.

The *Daniſh* Kings ſtayed not long here after *Swane* had conquered the Kingdom; they all four reigned not much above twenty five Years, their beſt Title was the Sword: notwithſtanding, they either brought hither the Cuſtom of the Predeceſſor naming or giving the Kingdom to his Succeſſor, as probably it might have been practiſed in their own Kingdoms; or uſed it as they found it here practiſed by the *Saxon* Kings.

The *Saxons* were very weary of the *Daniſh* Government, and without doubt, very forward to ſet up a King of their own Nation; yet the Donation of *Harde-Cnute* was as great a ſtep for *Edward* the *Confeſſor* to the Throne, as the *Power* and *Policy* of Earl *Godwin* and *Livingus* the Biſhop of *Worceſter*.

Ingulph, Secretary to *William* when Duke of *Normandy*, reports the Donation of *England* to him very confidently, and as if in thoſe times ſuch Gifts were not much queſtioned: *Anno eodem Rex* Edwardus *ſenio jam gravatus, cernens Cliſonis* Edwardi *nuper defuncti filium* Edgarum *Regio ſolio minus idoneum tam corde quam corpore* Godwini*que Comitis multam malamque ſobolem, quotidie ſuper terram creſcere, ad cognatum ſuum* Willielmum *Comitem* Normaniæ *animum appoſuit, & eum ſibi ſuccedere in Regnum* Angliæ *voce ſtabili ſancivit:* In the ſame Year, King *Edward* grown infirm with Age, perceiving *Edgar*, the Son of the late deceaſed *Edward Ætheling*, neither in Mind or Body fit for the Government, nor to bear up againſt the growing Power and Malice of *Godwin*'s Sons; thought upon his Couſin *William*, Earl of *Normandy*; and by a firm Declaration decreed he ſhould ſucceed him in the Kingdom. Anno Dom. 1065. fol. 512. b. n. 30.

Norman *Succeſſion.*

FRom what hath been ſaid, the Pretences and Cauſes of *William*, Duke of *Normandy*, his ſucceeding *Edward* the *Confeſſor*, and enjoying the Crown of *England*, are very evident; as alſo, are the ſame to his Dukedom. [*q*] He was the only Son of his Father *Robert*; who going on Pilgrimage to *Jeruſalem*, called together the Noble-men of his Dukedom, and brought his Son *William*, though Illegitimate, before them, and earneſtly exacted of them, that in his ſtead they would chuſe him their Lord: who, though but a Child, they forthwith, according to the Decree of the Duke, acknowledged him for their Prince and Lord, ſwearing Fealty unto him. [*r*] Robertum *ergo Archiepiſcopum cum optimatibus ſuis Ducatus accerſivit, & illis velle ſe appetere* Jeroſolimitanam *pergrinationem manifeſtavit, exponens autem eis* Willielmus *filium ſuum, quem unicum apud Faleſiam genuerat ab iis attentiſſime exigebat, ut hunc ſibi loco ſui dum eligerent, Qui licet ſub tenerrima detineretur ætati puerili juxta Decretum Ducis protinus cum prompta viracitate collaudavere principem & Dominum, pangentes ei fidelitatem non violandis Sacramentis.* And *R. Hoveden* affirms it to have been the cuſtom in *Norway* (from whence the *Normans* came) for Baſtards to inherit, and that in his time it was ſo. [*ſ*] *Conſuetudo Regni* Norweiæ *eſt uſque in hodiernum diem, quod is qui alicujus Regis* Norweiæ *dignoſcitur eſſe filius, licet ſit ſpurius & de ancilla genitus, tantum ſibi jus vendicat in Regnum genitus, & ideo fiunt inter eos prælia indefinenter, donec unus eorum vincatur, & interficiatur.* And ſo it happened between the Curators of Duke *William* in his Nonage, and the Pretenders as Heirs to his Grandfather of the Dutchy of *Normandy*.

The ſame Right of Succeſſion, as Teſtamentary Heir to his Father, *William Rufus* had to the Crown of *England*. [*t*] *Metuens Rex ne in Regno tam diffuſo repentina oriretur turbatio, epiſtolam de conſtituendo Rege fecit* Lanfranco *Archiepiſcopo ſuoque ſigillo ſignatam tradidit* Gulielmo Rufo *filio ſuo, jubens ut in* Angliam *transfretaret continuo.*

This was done a little before the Conqueror's [*v*] Death: and he did it for that his Son *William* always ſtuck cloſe to him, and had in every thing, according to the utmoſt of his power, been dutiful and obedient.

[*x*] *Rufus* brought his Father's Epiſtle, by which he had conſtituted him King of *England*, to *Lanfranc* Arch-Biſhop of *Canterbury*: who, having read it, haſted with him to *London*, and conſecrated him King in the old Church of St. *Peter* at *Weſtminſter* on the [*y*] 26th. of *September*, his Father dying the 9th. of the ſame Month. [*z*] Willielmus Willielmi *filius*, ſaith *Malmsbury*, *a patre ultima valetudine decumbente in Succeſſorem adoptatus eſt, acceſſit & favori ejus maximum rerum momentum, Archiepiſcopus* Lanfrancus, *eo quod eum nutrierat & militem fecerat: quo Authore annitente, Die Sanctorum* Coſinæ & Damianæ *Coronatus eſt.* That is, *William* the Son of *William* was by his Father, in his laſt Sickneſs, adopted his Succeſſor: but it was matter of great moment, and the

a Gul. Gemet. lib. 5. c. 12.

r Ibid.

ſ R. Hoveden. f. 425. a. n. 20.

t Fragment. de Gul. Conqueſtore, f. 32. n. 30. Ord. vit. f. 659. C. D.

u Ibid. n. 20, 40. Ord. vit. ut ſupra.

x Ibid. f. 663. B.

y Flor. Wigor. f. 642.

z De geſt. Reg. f. 67. n. 20. Paris, f. 14. n. 10.

the greateſt Addition to his Succeſs, that Arch-Biſhop *Lanfranc* had educated him, and made him a [*a*] Knight; by whoſe Authority and Endeavour he was Crowned on the day of *Coſma* and *Damianus*.

[a] It was then the cuſtom for Biſhops to make Knights. *Septemb.* 27. F. 642. lin. 8.

Florence of *Worceſter*, who only ſays that he was conſecrated King at *Weſtminſter* by Arch-Biſhop *Lanfranc*, hath noted, that not long after his Coronation there aroſe great Diſcord and Contention between the chief Men of *England*: for part of the Great and Noble *Normans* favoured King *William*, but it was the leaſt; and the other part of them favoured *Robert* Duke of *Normandy*, which was the greateſt. *Odo*, who [*b*] mortally hated *Lanfranc*, headed the Duke's Party, and *Lanfranc* headed the King's; who, with the King, [*c*] *Congregatio quantum ad preſens poterat* Normanorum, *ſed tamen maxime* Anglorum, *equeſtri & pedeſtri* (*licet mediocri*) *exercitu*, &c. Having raiſed ſuch an Army as he could of Horſe and Foot of *Normans*, but the greateſt part *Engliſh*; (though but a mean one) and by uſing the common Bait of Liberty, declaring he would relax the rigid Laws, give free leave of Hunting, &c. Alſo by inſinuating into *Roger* Earl of *Arundel* and *Shrewsbury*, the chief Perſon for the Duke, next unto *Odo* Biſhop of *Baieux* and Earl of *Kent*, brought him off to his Party. By theſe means he brake the Force of his Enemies, and ever after ruled by an Army. More of this ſtory may be ſeen in *Eadmer. Ord. Vit. f.* 666. &c. *Florence* of *Worceſter*, and *Malmsbury*, in the places before cited, who all lived at the time.

[b] Malmſ ut ſup. lin. 49.

[c] Flor. Wigor. ut ſupra.

Theſe *Engliſh* were Stipendiary Soldiers, *Paris*, f. 15. n. 10.

Here we ſee *Rufus* claimed as Teſtamentary Heir, and by reaſon of that Claim was advanced to the Throne, by the Aſſiſtance of *Lanfranc*'s and the Biſhops Faction, who then ſwayed the People, and ruled by the help of an Army ever after. Whoever rightly conſiders this ſtory, cannot call it an Election.

After the death of *Rufus*, *Florence* of *Worceſter* only ſays, that *Henry*, his third Brother ſucceeded him; and that the day he was crowned by *Maurice* Biſhop of *London*, he gave great Liberties to the Church and Kingdom; and commanded that King *Edward*'s Laws ſhould be obſerved, with ſuch Amendments as his Father had amended them. And further ſays [*d*] that very many great Men ſent for Duke *Robert* over, and promiſed him the Crown and Kingdom: and coming, they did ſome of them adhere to him, and [*e*] others, diſſembling their Kindneſs and Affection, ſtayed with King *William* until they had an opportunity of ſhewing it. But the Biſhops, the Common Soldiers and *Engliſh* ſtuck cloſe to King *Henry*; by whoſe means he raiſed a very great Army, and were ready to fight for him; when they came to an Agreement by the Mediation of the wiſe Men of both Parties.

Fol. 650. lin. 9. F. W. died 19 Hen. 1.

[d] Ibid. lin. 27.

[e] Ibid. lin. 41.

Eadmer tells us that moſt of the great Men either did, or were ready to revolt from King *Henry*; but *Anſelm* Arch-Biſhop of *Canterbury*, who had given him great Aſſiſtance in raiſing his Army, upon great Promiſes made, that all the Church-Affairs ſhould be left to his direction and diſpoſing, and that he would for ever after obey the Decrees and Commands of the Pope, procured the great Men to aſſemble; and then ſo wheedled and cajoled them and their Army, that he altered their Intentions: And it was from his Fidelity and Induſtry that *Henry* loſt not the Kingdom.

Fol. 59. n. 10, 20, 30.

Eadmer was *Anſelm*'s Chaplain at this time.

This

This King *Henry* was a plain right down Uſurper, he had no pretence of Donation, no Teſtamentary Right from his Father; and therefore, as [*a*] *Malmsbury* ſhews us more particularly, he was advanced by a Faction; there being only five great Men, *Robert Fitz-Haymon*, *Richard de Redvers*, *Roger Bigot*, *Henry* Earl of *Warwick*, and *Robert* Earl of *Mellent*, his Brother; all *Normans* that favoured him: and by the contrivance of *Henry* Earl of *Warwick* he was elected *King*. All others ſent privately to Duke *Robert* to come and be their King, or openly reproached *Henry*. This was an excellent Election made by a Faction and an Army, and perhaps with a bawling multitude after them; and indeed, there could be no other Election than ſuch an one as this, for *Rufus* was ſlain in *New Foreſt* on the 2d. of *Auguſt*, being *Thurſday*; and *Henry* was Crowned on the 5th. of *Auguſt*, being *Sunday*: So that it was impoſſible for all that were or ought to be concerned in ſuch an Election, all the Kingdom over to have notice, meet and diſpatch that Buſineſs in two days time.

a Fol. 88. a. n. 20, 40.

Flor. Wigorn. f. 649. l. 27.

Theſe Hiſtorians lived at the very time theſe things were done. It is true he ſays in his own Charter, [*b*] That he was Crowned King by the Common Council of the Barons of *England*. *Sciatis me miſericordia Dei, & Communi Concilio Baronum Regni* Angliæ *ejuſdem Regni Regem Coronatum eſſe.* And he muſt ſay this, or nothing; for no other Pretence or Title he could have; and there never was any other Uſurper in his Circumſtances, but muſt ſay ſo, or ſome other thing, to make out a Title. King *Stephen*, in his Charter of Liberties, ſays, He was elected, *A Clero & Populo.* King *John*, in his Charter of *Fees of the Seal*, affirmed himſelf right Heir to the Crown, when *Arthur* Duke of *Britain*, and his Siſter *Eleanor*, Son and Daughter to his Elder Brother *Jeffrey*, were then living: and they were both vain Affirmations, as will appear in their ſeveral ſtories.

b Paris, Anno Dom. 1100. fol. 55. lin. 42.

Some later Hiſtorians than theſe, as [*c*] *Matthew Paris*, who wrote above an hundred Years after them. *Mat. Weſtminſter*, and *Hen. de Knighton*, and *Brompton*, who wrote at leaſt two hundred and fifty Years after them; all ſay he was elected: But only *Knighton*, amongſt them all, tells us the moſt conſiderable reaſon why *Robert*, his elder Brother, was rejected. [*c*] Robertus, ſays he, *ſemper contrarius & adeo innaturalis extiterat Baronibus Regni* Angliæ, *quod plenario conſenſu & conſilio totius Communitatis Regni* IMPOSUERUNT EI ILLEGITIMITATEM, QUOD NON FUERAT PROCREATUS DE LEGITIMO THORO WILLIELMI CONQUESTORIS, UNDE UNANIMI *aſſenſu ſuo ipſum refutaverunt, & pro rege omnino recuſaverunt* & Hen. *frem. in Regem erexerunt.* *Robert* was always averſe, and ſo harſh to the Barons of *England*, that they, by full Conſent and Advice, voted him *Illegitimate, becauſe he was not begotten lawfully by* William *the Conqueror*; *and for that reaſon*, by unanimous Aſſent, they refuſed him, and ſet up *Henry* his Brother to be their King. From this Paſſage of *Knighton*, we ſee the Community, or Baronage of all *England* fixed the Right of Succeſſion in the Legitimate Right of Blood; and therefore this King, his two elder Brothers being dead without Iſſue, deſired to ſecure the Succeſſion unto his Lawful Iſſue by Right of Blood. To that end, [*d*] all Free-men of *England* and *Normandy*, of what Order and

Paris *died*, An. Dom. 1259.
Brompton, 1326.
Weſtminſter, 1377.
Knighton, 1380.

c C. 8. Col. 2374.

d Malmſ. fol. 93. a. lin. 36.

and Dignity ſoever, and of *whatſoever Lord they held, or were Fendataries to,* were forced to *do Homage* and *ſwear Fealty* to his Son *William,* then but twelve Years old.

And in the [a] twenty ſeventh of his Reign, he cauſed all the great Men of *England* (after the death of his Sons, *William* and *Richard*) to recognize *Maud* the Empreſs, his Daughter, Queen; *to whom the* [b] *only Lawful Succeſſion was due from her Grandfather, Uncle and Father that were Kings*; and from her Mother many Generations.

In the thirty firſt of King *Henry,* [c] he and his Daughter coming into *England,* at a great Meeting of the Nobility, or Parliament, at *Northampton,* thoſe which before had ſworn Fealty renewed their Oaths to her; and thoſe which had not done it before, then did it.

Paris tells us that the Clergy, and Great or Noble Men made Conditions with *Henry*; who promiſed them what is before related: and in that gave them ſatisfaction. But as all Uſurpers ever did, ſo he changed his Mind; and his Canting Speech had no other effects than to enſlave them: [d] for with a ſeared and cahterized Conſcience he had obtained the Kingdom, and uſurped upon his Brother *Robert,* who had manifeſt Right; [e] impudently violating the Laws, and Promiſes, by which he had drawn in all Men to ſerve him: and afterward, taking him Priſoner, cauſed his Eyes to be [f] pulled out, and kept him in Priſon [g] twenty four Years, until he died.

[h] King *Henry* having thus provided for the Security of his Daughter *Maud,* being asked in his Sickneſs by *Robert* Duke of *Glouceſter,* and the Noble Men that then were with him, about a Succeſſor. *Filiæ* [i] *omnem terram ſuam citra & ultra mare, Legitima & perenni ſucceſſione adjucavit:* Adjudged his Daughter his Lawful Succeſſor in all his Territories.

[k] *Radulphus de Diceto,* Dean of Saint *Paul's,* who died, *Anno Dom.* 1210. ſays, that *Hugh Bigot,* Steward of the King's Houſhold made ſpeed out of *Normandy* (where the King died) into *England,* and *made Oath before the Arch-Biſhop of* Canterbury, *that King* Henry *upon his Death-bed, upon ſome differences which happened between him and his Daughter the Empreſs, did diſ-inherit her, and made* Stephen *Earl of* Boloign *his Heir.* Whereupon *William* Arch-Biſhop of *Canterbury* giving too much credit to the words of the Steward, conſecrated *Stephen* Earl of *Mortaigne* King at *Weſtminſter.* If this ſtory be true, he was Teſtamentary Heir, and had a Teſtamentary Right; and in that Right he was made King: But be this ſtory true or falſe, his Advancement to the Throne was as followeth. Notwithſtanding, all the Nobility, and amongſt them, King *Stephen* himſelf, had ſworn Fealty to *Maud* the Empreſs; yet by the Intereſt of his Brother [l] *Henry* Biſhop of *Wincheſter,* and the Pope's Legat (without which he could have done nothing) he was made King: he brought off *Roger* Biſhop of *Salisbury,* a great and powerful Prelate; alſo *William de Pont-Arch,* Keeper of King *Henry's* Treaſure, which was [m] 100000 *l.* in Money. And by his own Dexterity, the Artifice of his Brother, and *Roger* Biſhop of *Salisbury,* and the advantage of this Money, he inclined the minds of the Noble Men much towards him, and to ſecure himſelf raiſed an Army moſtly of *Flemings* and *Britains.* At his [n] Coronation were only three Biſhops,

a Ibid. fol. 99. a. n. 40.
b Ibid.
c Malmſ. f. 100. a. n. 40.
d Paris, f. 61. n. 50. f. 62. n. 10, 20.
e Ibid. 61. lin. ult. 62. lin. 1. &c. ibid. lin. 23.
f Ibid. 63. n. 10.
g Ibid. f. 73. n. 20.
h Malmſ. Hiſt. Norm. f. 100. b. n. 30.
i Vid. hic f. 105. b. n. 40. *Omne Regnum Angl. ſimul & Ducatum Normaniæ.*
k Pitſius *in that Year,* Col. 505. n. 40, 50.
l Malmſ. n. 10.
m Ibid. n. 40, 50.
n Ibid. n. 20.

the Arch-Biſhop of *Canterbury*, the Biſhops of *Wincheſter* and *Salisbury*, no Abbots, and few Noble-men.

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Afterwards, *Stephen* uſing the Biſhops roughly, loſt his Brother *Henry*'s favour; who, by his Legantine Power, [*b*] called a Council of the Clergy at *Wincheſter*, to conſult of the Peace of the Kingdom: Where they conclude, that the Right of chuſing and ordaining Kings chiefly belonged to them. And therefore, having firſt called upon God, they choſe *Maud* the Empreſs Queen. [*c*] *Ad Cleri jus potiſſimum ſpectat principem eligere & ordinare, invocata itaque in auxilium Divinitate, filiam Regis, in* Angliæ Normanniæque *Dominam eligimus, &c.*

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f Gervas Dorob. Col. 1375. n. 10. Paris, f. 86. n. 10. Hoveden, f. 281. a. lin. 21.

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i Hoved. f. 372. b. 40, 50, f. 373. a. lin. 7.

k Ibid. n. 50. & b. lin. 7. *Quod fidem portabit Regi* Angliæ Richardo, *Regis* Hen. *filio*, &c.

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n Rad. de Diceto, Col. 647. n. 40, 50.

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Ibid. f. 412. a. n. 40, 50. Anno Dom. 1193.

brought many Strangers with him: and coming to *London*, demanded the Kingdom of the Arch-Biſhop of *Roven*, who was then *Juſticiary*, and the other *Juſticiaries* of *England*, & *Fidelitates Hominum* Angliæ; affirming the King of *England*, his Brother, was dead. But not believing him, they and the other great Men of the Kingdom rejected him.

Ibid. 6. lin. 1. &c. Then, ſwelling with Fury, he fortified his Caſtles and places of Strength, and ſeized the Crown-Lands. Many came in unto him; but being deceived, they were puniſhed according to their deſerts.

q Ibid. f. 417. b. n. 30. Anno Dom. 1194. And for theſe and other [q] Treaſons committed the Year following; as combining with the King of *France*, and offering great Sums of Money to the Emperor to keep King *Richard* in Priſon, and making new

r Ibid. f. 418. a. n. 40. [r] Diſturbances in the Nation. [ſ] *Per Commune Conſilium Regni Definitum eſt quod Comes* Johannes *diſſaiſiretur de omnibus Tenementis ſuis in*

ſ Ibid. b. lin. 6. Anglia. By the Common Council of the Kingdom it was decreed he ſhould be diſſeized of all he held of the King in *England*. And preſent-

t Ibid. n. 20. ly all his [t] Caſtles were beſieged and taken from him.

v Ibid. f. 428. a. n. 20. Anno Dom. 1195. 6. Ric. Yet for all this, the next Year King *Richard* [v] pardoned his Brother *John*, and reſtored to him the Earldom of *Moreton*, or *Mortaigne*, the Honour of *Eye*, and Earldom of *Gloceſter*, except the Caſtles; and for his other Earldoms and Lands, allowed him Yearly eight thouſand Pounds of *Anjou*-Money.

x Ibid. f. 449. b. lin. 37. And in the laſt Year of his Reign, [x] *Cum Rex de vita deſperaret, diviſit* Johanni *fratri ſuo Regnum* Angliæ, *& omnes alias terras ſuas, & fecit fieri prædicto* Johanni *fidelitates ab illis qui aderant, & præcepit ut traderentur ei Caſtella ſua & tres partes Theſauris ſui.* When the King deſpaired of Life, he deviſed to his Brother *John* the Kingdom of *England*, and all other his Lands, and made all preſent ſwear Fealty to him, and commanded that his Caſtles and three parts of his Treaſure ſhould be delivered to him.

y Fol. 450. b. n. 10. *King* Richard *died*, Apr. 6. 1199. [y] *John* ſtayed in *Normandy* (where, by *Walter* Arch-Biſhop of *Roven*, he was girt with the Sword of that Dutchy, *April* 25. on St. *Mark*'s Day) and ſent *Hubert* Arch-Biſhop of *Canterbury*, and the Pope's Legat, and *William Marſhal* Earl of *Strigvil*, into *England*, to keep the Peace; together with *Jeffrey Fitz-Peter*, *Juſtitiary* of *England*, and other Barons of the Kingdom.

z Ibid. n. 40. [z] *Qui fecerunt homines regni tam de Civitatibus quem de Burgis, & Comites, & Barones, & libere tenentes jurare fidelitatem & pacem* Johanni Normannorum *Duci filii* Henrici *Regis, filii* Matildis *Imperatricis contra omnes homines.*

a Homines Regni *could be no other, ſeeing Fealty and Homage was due only from ſuch as held Lands ſubject to that Service.* Who made the [a] Homagers of *England*, as well of Cities as Burroughs, and Earls, Barons, and free Tenants, to ſwear Fealty and Peace to *John* Duke of *Normandy*, the Son of King *Henry*, the Son of *Maud* the Empreſs, againſt all Men.

b Ibid. n. 40. [b] Notwithſtanding this, all the Biſhops, Earls and Barons which had Caſtles, Manned, Victualled and ſtored them with Arms. But *Hubert* the Arch-Biſhop, *William Marſhal* and *Jeffrey Fitz-Peter*, *Juſticiary* of *England*, met at *Northampton*, and called before them thoſe which they moſt doubted: David, *Brother to the King of* Scots; Richard *Earl of* Clare, Ranulph *Earl of* Cheſter, William *Earl of* Tutesbury, *and* Walran *Earl of* Warwick, Roger *Conſtable of* Cheſter, William de Mowbray, *and many other Earls and Barons; to whom they promiſed*

and

and engaged, that *John* Duke of *Normandy* ſhould reſtore to every Man his Right, if they would keep Faith and Peace with him. [c] *Sub hac igitur Conventione ſupradicti Comites, &c.* According to this Agreement, the ſaid Earls and Barons ſwore Fealty and faithful Service to *John* Duke of *Normandy*, againſt all Men. This was done while he was in *Normandy*. c Ibid. n. 30.

[d] On the 25th of *May* following, Duke *John* croſſed the Seas from *Normandy* into *England*, and the next day came to *London*; and there were convened in Expectation of him, Hubert *Arch-Biſhop of* Canterbury, John *Arch-Biſhop of* Dublin, William *Biſhop of* London, Gilbert *of* Rocheſter, John *of* Norwich, Hugh *of* Lincoln, Euſtace *of* Ely, Godfrid *of* Wincheſter, Henry *of* Exeter, Sefrid *of* Chicheſter, Jeffrey *of* Coventry, Savaric *of* Bath, Herbert *of* Salisbury, Philip *of* Durham, Roger *of St.* Andrews *in* Scotland, Henry *of* Landaff, *Biſhops*: Robert *Earl of* Leiceſter, Richard *Earl of* Clare, William *of* Tutesbury, Hamelin *de* Warenn, William *of* Salisbury, William *de* Strigvil, Walran *of* Warwick, Roger Bigot, William *de* Arundell, Ranulph *de* Ceſtre, *Earls*: *and many Barons.* And then *Hubert* Arch-Biſhop of *Canterbury* Conſecrated and Crowned the ſaid *John* Duke of *Normandy*, King of *England*, in the Church of St. *Peter* at *Weſtminſter*, on the 27th. of *May*, being *Aſcenſion-Day*. d Ibid. f. 431. a. n. 40.

Not one word here of any Election by, but only a Submiſſion from the Barons Spiritual and Temporal, to King *John*; and a Recognition that he was their King. And all this related by *Hoveden*, in all probability an Eye-witneſs of this Tranſlation.

Indeed *Matthew Paris*, who died *Anno Dom.* 1259. was then either unborn, or ſo young as not with Judgment to take ſufficient notice of this Affair, relates it thus; [e] *Congregatis in adventu ejus Archiepiſcopis, Epiſcopis, Comitibus & Baronibus, atque aliis omnibus, qui ejus Coronationi intereſſe debuerant; Archiepiſcopus ſtans in medio omnium, dixit, audite univerſi, noverit diſcretio veſtra, quod nullus prævia ratione alii ſuccedere habet Regnum, niſi ab univerſitate Regni unanimiter invocata Spiritus Gratia electus, & ſecundum morum ſuorum eminentiam præelectus, ad exemplum & ſimilitudinis* Saul *primi Regis inuncti, quem præpoſuit Dominus populo ſuo, non Regis filium, nec de Regali ſtirpe procreatum, ſimiliter poſt eum* David Jeſſe *filium: Hunc quia ſtrenuum, & aptum Dignitati Regiæ; illum quia ſanctum & humilem, ut ſic qui cunctos in regno ſupereminet ſtrenuitate, omnibus præſit, & poteſtate & regimine, verum ſi quis ex ſtirpe Regis defuncti aliis prepolleret, pronius & promptius, in electionem ejus eſt conſentiendum. Hæc idcirco diximus, pro inclyto Comite* Johanne, *qui præſens eſt, frater illuſtriſſimi numeri* Richardi *jam defuncti, qui hærede caruit ab eo egrediente, qui providus & ſtrenuus & manifeſte nobilis, quem nos, invocata Spiritus Sancti Gratia, ratione tam meritorum quam Sanguinis Regii, unanimiter elegimus univerſi,* [f] *nec auſt erant alii ſuper his adhuc ambigere, ſcientes quod Archiepiſcopus ſine cauſa, hoc non ſic diffiniverat, verum Comes* Johannes *& omnes hoc acceptabant, ipſumque Comitem in Regem eligentes & aſſumentes exclamant, dicentes, vivat Rex; Interrogatus autem poſtea Archiepiſcopus* Hubertus, *quare hæc dixiſſet, reſpondet ſe præſagia mente conjecturare, & quibuſdam Oraculis Edoctum & Certificatum fuiſſe, quod ipſe* Johannes *Regnum & Coronam* Angliæ *foret aliquando* King Richard *died*, An. Dom. 1199. e Paris, f. 197. n. 20. f Ibid. n. 30, 40.

aliquando corrupturus, & in magnam confuſionem præcipitaturus, & ne haberet liberas habenas hoc faciendi, ipſum electione, non ſucceſſione hæreditaria, Electi debere affirmabat. That is,

Note here Succeſſione hæreditaria eligere, *which can ſignifie nothing but to recognize and acknowledge him King by Hereditary Succeſſion*

The Arch-Biſhops, Biſhops, Earls and Barons, and all others (Officers probably required to be there) which ought to be preſent at his Coronation meeting at *London*. The Arch Biſhop ſtanding in the middle of them, ſaid, 'Hear all of you, your Diſcretion ſhall know, 'that no Man hath Right to ſucceed in the Kingdom, unleſs, after 'ſeeking God, he be unanimouſly choſen by the Univerſity of the 'Kingdom, (that is, thoſe that are here ſaid to meet at *London*.) And 'according to the Eminency of his Endowments, pre-elected, according 'the Example and Similitude of *Saul*, the firſt anointed King, whom God 'ſet over his People; not the Son of a King, or of the Royal Line. Likewiſe after him, *David*, the Son of *Jeſſe*. This becauſe ſtout and fit 'for Royal Dignity: the other becauſe holy and humble. That ſo he 'which exceeded all Men of the Kingdom in Strength or Proweſs, 'ſhould be ſet over all in Power and Government. but if any of the 'Progeny of the dead King did excell others, they ought more readily 'to conſent to the Election of him. Theſe things we have therefore 'ſaid in the behalf of the famous Earl *John*, who is here preſent, the 'Brother of our moſt illuſtrious dead King *Richard*, that died without Iſſue of his Body; who is Provident, Stout, and manifeſtly 'Noble, whom we, having invoked the Grace of the Holy Spirit, have 'all of us unanimouſly choſen. Nor dare any others ſo much as doubt of 'theſe things, knowing the Arch-Biſhop had not thus decreed this Matter without Cauſe. But Earl *John* and all there acquieſced in what he had ſaid; and chuſing or acknowledging, and receiving him for their King, ſhouted, ſaying, *Let the King live.* But Arch-Biſhop *Hubert* being asked afterward, why he ſaid theſe things? anſwered, that he gueſſed, and was taught and aſcertained by certain Oracles, that *John* would bring the Kingdom and Crown into great Confuſion: And therefore, leſt he might have too much Liberty in doing it, he affirmed, he ought to come in by Election, and not by Hereditary Succeſſion: and ſo was Crowned as before rehearſed.

This Learned Doctrine and Preachment of the Arch-Biſhop aſſerts not any Right of Election in the Convention of Biſhops, Earls, Barons, and others required to be at the Coronation; but by his own Anſwer, when he was asked why he ſaid theſe things, it clearly diſcovers a Deſign only and Artifice in the Arch-Biſhop, to cauſe them to ſet up, and make *John* King: In which alſo he denies any ſuch Right of Election.

Hoveden hath none of, nor doth mention this Harangue; and therefore it ſeems rather to be an invention of *Matthew Paris*, than a Sermon of the Arch-Biſhop. Hiſtorians commonly make Speeches for other Men they write of. *Brompton* takes no notice of it; all he ſays is, that

g Col. 1281. n. 40, 50.

[g] Johannes Lundoniam *veniens in Feſto aſcenſionis Domini*, VI. Kalend. Junii, *Anno Dom.* 1199. *ab* Huberto Cantuarienſi *Archiepiſcopo in Eccleſia* B. Petri Weſtmonaſterii *inungitur & in Regem* Angliæ *coronatur, aſſiſtente Prelatorum, Comitum, Baronum, & aliorum Nobilium multitudine infinita.* *John* coming to *London* on *Aſcenſion-Day*, the 27th. of *June*, 1199. was Anointed and Crowned King of *England* By *Hubert*

Arch-

Arch-Biſhop of *Canterbury*, in St. *Peter's* Church in *Weſtminſter*, an infinite multitude of Biſhops, Earls, Barons, and other Noble men aſſiſting him. Not one word here, or in *Hovedon*, or *Paris*, of the ordinary People.

And this Doctrine of the Arch-Biſhop concerning the Election of Kings, if meant according to the Modern Underſtanding of it, was then new; for *Gervaſe*, a Monk of *Canterbury*, in the Year, 1122. ſpeaking of the Coronation of *Henry* the Firſt, ſays, it was manifeſt, and known almoſt to all Men, that the Kings of *England* were only obliged and bound to God for the Poſſeſſion of the Kingdom, and to the Church of *Canterbury* for their Coronation. [*h*] *Manifeſtum eſt autem & omnibus fere notum, Reges* Angliæ *ſoli Deo obligari, & teneri ex ipſius regni adeptione, & Eccleſiæ* Cantuarienſi *ex Coronatione.*

h Col. 1338. n. 30.

King *John* doth ſay in a [*i*] Charter dated the firſt Year of his Reign, that he came to the Crown, *Jure hæreditario & mediante tam Cleri quam populi unanimi conſenſu & favore:* By Right of Inheritance, and by unanimous Conſent and Favour, as well of the Clergy as Laity. This unanimous Conſent of the Clergy and Laity *was rather their Acknowledgment and Submiſſion than any thing elſe:* for, according to *Hoveden's* Relation of his coming to the Crown, which is the moſt exact extant, *They ſubmitted and ſwore Fealty to him againſt all Men before he came into* England, *ſome time before his Coronation.* Nor could it be true that he had an *Hereditary Right*; for *Arthur* Duke of *Britain*, Son and Heir to his elder Brother *Jeffrey*, and his Siſter *Eleanor*, was then living: unleſs he had regard to the Donation of his Brother *Richard*, and ſo eſteemed himſelf a Teſtamentary Heir.

i Moderati Feod. Magn. Sigilli.

After the death of King *John*, *Henry* the Third, his eldeſt Son, and Heir, by the Aſſiſtance of the Loyal Barons, was Crowned King, notwithſtanding the Barons which had made War againſt King *John*, when they were reduced to great Streights, [*k*] called out of *France*, *Lewes*, the King's Son; to whom [*l*] they, with the *Londoners*, ſware Fealty, and advanced him to the Throne, and adhered to him againſt their own Prince; [*m*] until by Force they were reduced, and he driven out of the Kingdom. This Treaſonable calling in of *Lewes* ſome that are pertinacious in the fancy of Election, will have it to be one. [*n*] Indeed King *Henry* the Third at this time had no good Hereditary Title; and therefore, Johannes *ex hac vita tranſmigravit*, Henricum *primogenitum ſuum regni conſtituens hæredem.* And this Donation of his Father, or his making him his Heir, was his beſt Title; for until that *Eleanor*, the Daughter of his Uncle *Jeffrey*, died, in the twenty fifth Year of his Reign, he was not true Heir by Right of Blood. *Obiit* Eleanora (ſaith *Matthew Paris*) *filia* Galfridi *Comitis* Britanniæ *in clauſura diuturna carceris ſub arcta cuſtodia reſervata, fol.* 574. *n.*40. 25 *H.* 3. *Anno Dom.* 1241.

Paris, f. 289. n. 10.

k Ibid. 279. n. 20.
l Ibid. 282. n. 10.
m Ibid. 296. n.40. 297. n. 30. 299. n. 10.
n Paris, f. 288. lin. 2. Weſtmin. f. 276. n. 40.

To *Henry* the Third ſucceeded his eldeſt Son *Edward* the Firſt, though the *Lancaſtrians* ſaid his ſecond Son *Edmund*, commonly called *Crouch-Back*, was the eldeſt, and laid aſide for his deformity; on whoſe Perſon was originally founded the great Contention between the two *Royal Houſes* of *York* and *Lancaſter*. But that he was really the eldeſt there can be no pretence, however the *Lancaſtrians* impoſed upon the People.

For

For *Edward* was born [o] *June* 16. 1239. and *Edmund* upon the [p] 16th. of *January*, 1245. being *Marcellus* his Day, ſix Years after. *Edward*, by that time he was a Year old, was acknowledged the Firſt-born of his Father, his Brother *Edmund* not then born. [q] *Per idem tempus Rex Cives* Londinenſes, *& quinque portuum cuſtodes, & multos alios fecit jurare fidelitatem, & ligantiam* Edwardo *primogenito ſuo.* In the Letter from the Loyal, to the Rebellious Barons, he is ſtyled the Firſt-born of King *Henry*. [r] Richardus *Dei gratia Rex* Romanorum *ſemper* Auguſtus, & Edwardus *illuſtris Regis* Anglie *primogenitus*, &c. And very frequently *Matthew Paris*, who lived at this time, and was Hiſtoriographer to his Father, calls him his Firſt-born. So that there can be no doubt in Hiſtory that he was the eldeſt Son; for King *Henry* the Third had only theſe two Sons, *Edward* and *Edmund*.

o Paris, f. 488. n. 30, 40.

p Ibid. f. 654. n. 20.

q Ibid. f. 527. n. 40. Anno Dom. 1240.

r Ibid. f. 994. n. 50.

Brief Hiſtory of Succeſſion, f. 6.

After the death of *Edward* the Firſt, his Son *Edward* the Second ſucceeded him; and, as Men of purely Commonwealth-Principles tell us, he degenerating from ſo great a Father, the People grew weary of his Irregular Arbitrary Government; depoſed him, and choſe *Edward* his Son to reign in his ſtead. A plain Argument, ſay they, of the Peoples Power in chuſing their Kings, and of limiting and binding the Succeſſion.

But whoever reads this ſtory, will not find the ordinary People had much, if any thing to do in this matter, further than as they were *excited* to *Tumults* and *Railing* at the Government, by many of the *Popular Biſhops* and *Barons*; for they always have been, and ever will be, Inſtruments of deſigning Men againſt the Government, if by remiſſneſs thereof, and eaſineſs of Governors, they be permitted. This King was *depoſed* and *murdered* by a *wicked Confederacy* and *Rebellion* of many *Biſhops* and *Barons*. And there is nothing to juſtifie this Rebellion, Depoſition and Murther, in which our Anti-Monarchical Men inſtance ſo often as an Example to be followed, but the meer doing of it: And if a fact be therefore lawful, only becauſe it is done, we have no *need* of *Laws*, *Lawyers*, or *Officers* of *Juſtice*, to maintain, plead for, or defend it. The truth is, this King was not of ſo briſk a temper as his Father, nor endowed with ſo much Courage: he was more ſoft and eaſie, and uſed too great and unſeaſonable Indulgence to ſuch as he permitted to guide his Affairs, and the Affairs of the Kingdom in his Name.

From hence many Rebellious Barons, under pretence of the [ſ] *Honour of God and Holy Church, the Honour of the King and Realm*, made Confederations to remove evil Counſellors, reform the Court, and to force the King to let them name all Judges, the Chancellor, Treaſurer, and other great Officers in Court, *Gaſcoigne*, *Ireland* and *Scotland*.

Thomas Duke of *Lancaſter*, one of thoſe Commiſſioners and Ordainers, was always the Head of theſe Confederacies, [t] who pretended great *Affection to the King, to the common profit of the Realm*, and great care to ſee theſe Ordinances, cited in the Margin, maintained in all points, and many things *amended in the King's Houſhold, Court* and *Realm*.

At length this great Earl of *Lancaſter* [v] behaved himſelf very *indecently* towards the King, and *uſed him* with much *Scorn* and *Contempt*; until at laſt, in the fifteenth of his Reign, he and many of his Confe-

derates

ſ Vid. *Preamble to the Ordinances made by an extorted Commiſſion to certain Ordainers, dated* Mar. 16. 3 Ed. 2. *but not executed until the fifth of his Reign.* Ordinance, 13, 14, 16. Rot. part. 5 Ed. 2. Tho. Walſingham, f. 113. lin. 48.

t Vid. Memoranda Parliamenti, 9 Ed. 2. apud Lincoln.

v Walſingham f. 116. n. 20, 30, 40.

derates brake out into open *Rebellion*, at *Burton* upon *Trent*; and flying before the King's Army Northward, was, with many others, taken at *Burrough-Bridge* in *York-ſhire*: and being tried by his Peers, was adjudged to be Hanged, Drawn and Quartered: which Sentence was pardoned by the King, and he was only beheaded. The like *Sentence* had *Warren de Inſula*, *William Toket*, *Thomas Maudut*, *Henry de Bradborn*, *William Fitz-William*, and *William Cheyne*, the Lord *Roger Clifford*, the Lord *John de Mounbray*, the Lord *Henry Tyes*, the Lord *Bartholomew de Badleſmere*, & *Joſcelin de Invilla*; moſt of them Barons. *Propter Roberias & Felonias & reſiſtentiam quam fecerunt contra Regem ad villam de* Burton, *Occidentes Regis familiares, & Regis tranſitum prohibentes, & partem villæ prædictæ comburentes, &c.* For Robberies and Felonies, and the Reſiſtance they made againſt the King at the Town of *Burton*; killing the King's Friends and Servants, and burning part of the Town upon their Retreat.

The Ordinances before-mentioned, in number forty one, were revoked, and the Confederations and Tumultuous Barons and their Actions cenſured, in a [x] *Parliament* holden at *York*, 15 *Ed.* 2. The *Ordinances* were revoked upon Examination of them before the *Prelates*, *Earls*, *Barons*, (amongſt which were all the Ordiners then alive) and the *Commons* of the *Realm*: For that, by the things which were ordained, *The King's Royal Power was reſtrained in many things, againſt the due Greatneſs of his Seigniory Royal, and contrary to the State of the Crown. And alſo, for that in times paſt, by ſuch Ordinances and* [y] *Proviſions made by Subjects over the Power Royal of the Anceſtors of the Lord the King, Troubles and Wars came upon the Realm, by which the Nation was in danger.* and it was *accorded* and *eſtabliſhed* in the ſaid *Parliament*, by the Lord the King, and by the ſaid *Prelates*, *Earls* and *Barons*, and all the *Commonalty* of the *Realm* at that *Parliament* aſſembled; *That all thoſe things by the Ordiners ordained, and contained in the ſaid Ordinances from henceforth, for the time to come, ſhould ceaſe, and loſe their Force, Vertue and Effect for ever. And that from hence forward, in no time, no manner of Ordinances or Proviſions made by the Subjects of the Lord the King, or his Heirs, by any Power or Commiſſion whatſoever, over and upon the Power Royal of the ſaid Lord the King, or his Heirs, or againſt the State of the Crown, ſhall be of no value or force.* But the things which ſhall be eſtabliſhed for the *Eſtate* of the King and his *Heirs*, and for the *Eſtate* of the *Realm* and *People*, *may be treated, accorded and eſtabliſhed in Parliament, by the King, and by the Aſſent of the Prelates, Earls, Barons, and Communalty of the Realm.*

x Great Stat. Rot. ab Hen. 3. ad 21 Ed. 3. m. 31. Bib. Cott. Claudius, D. 2. f. 232. a.

y Oxford *Proviſions*, 42 H. 3.

Roger de Mortuo-Mari, Lord of *Wigmore*, [z] ſubmitted himſelf to the King, which much weakned the Barons Forces before the Engagement at *Burton*, and was ſent to the Tower of *London*; from whence he made his Eſcape after two Years Impriſonment, in the ſeventeenth of this King's Reign, and went over Sea to the King of *France*; who at this time required the King of *England* to do him [a] Homage for *Gaſcoygn* and other Territories he held of him in *France*. But he delaying to do it, and excuſing himſelf by [b] Meſſengers, who prevailed not, the King of *France*, with an [c] Army, ſeized *Gaſcoign*, and the County of *Pontheu*: yet by the means of *Edmund* of *Woodſtock*, the King's

z Walſingham, f. 115. n. 40.

a Ibid. f. 119. n. 20.

b Ibid. f. 120. n. 10.

c Ibid. n. 40.

Brother, and other *English* Noble-men then in *France*, a Truce was made with the King of *France* for a certain time, until a Peace might be treated of. [*d*] The Year following, the Bishops of *Winchester* and *Norwich*, with *John de Britannia* Earl of *Richmond*, were employed to that purpose: and after much desceptation about it, they received a Form of Peace from the King of *France*. And at length the [*e*] Queen, by Advice given by the Bishops and Great Men to the King, was sent to her Brother, the King of *France*, for making up, and Confirmation of the Peace. [*f*] and it was accorded, that King *Edward* should give the Prince, his Son, the Dutchy of *Aquitain* and County of *Pontheu*, that he should go over into *France*, and do Homage for them; which he did accordingly.

d Ibid. f. 121. n. 30.

e Ibid. n. 40. & Cl. 20. Ed. 3. m. 11. Dors.

f Walsingham, ibid. n. 40.

But the Prince being in *France* with his Mother, she had no mind to return. [*g*] The King sent divers Letters to his Son *Edward*, and his Queen *Isabel*; expostulating the Cause of their stay in *France* against his Will, and the *Confederation* they made there with *Roger Mortimer*, his *Enemy* and *Rebel*, and others.

g Cl. 19. Ed. 2. m. 2.

Walsingham says, [*h*] Some affirmed she stayed there against her Will *Alii vero asserebant quod voluntarie propter nimiam familiaritatem tunc contractam inter Reginam* & Rogerum *de* Mortuo-mari *sir quo & aliis Nobilibus de* Anglia *profugatis nolluit dicta Regina redire, & maxime in odium dispensatorum.* But others affirmed she stayed voluntarily, by reason of the too great Familiarity she had contracted with Earl *Roger Mortimer*, [*i*] without whose Advice she did nothing; and without whom, and the other Noble-men that had fled out of *England*, she would not return; and especially for the Hatred she bare towards the *Spencers*; proud, ambitious, haughty and covetous Men, by whom the King was too much swayed in the Management of his Affairs; which might give a dissatisfaction to the Nobility, though not warrant their Actions.

h F. 122. n. 10. *She was generally reported to be a vile Woman, cruel and unchast.*

i Ibid. f. 125. lin. 49.

The next [*k*] Year, having *married* the Prince (not then fourteen Years old) to the *Earl* of *Hanault's Daughter, who furnished her with Shipping, and two thousand seven hundred and fifty Men*, led by his Brother *John, she, with* Edmund *Earl of* Kent, *and* Roger Mortimer *Lord of* Wigmore, and many other Great Men who had fled out of *England*, landed at *Harwich*; to whom the Earl Marshal, the Earl of *Leicester*, and other *Barons* and *Knights* of those Parts, and almost all the *Bishops*, did adhere: and proceeding, her Army daily increased; so as at last she took her Husband, the [*l*] King, Prisoner, and put to death both the *Spencers*; the Younger without [*m*] Hearing or Answering. The imprisoned King was carried and removed from place to place, but at last fixed at *Berkeley*-Castle in *Glocester shire*, under the Guard of *Thomas Berkeley* and *John Maltravers*, who had allowed [*n*] an hundred Shillings a Day for his Expences and Keeping. The Queen never would see him during his Imprisonment. [*o*] *Regina misit sibi Indumenta delicata, & Literas blandientes, sed tamen ipsum videre nolebat, fingens quod communitas regni non permisit.* The Queen sent him gay Cloaths and flattering Letters, but would not see him; feigning the Community of the Kingdom would not permit her.

k Ibid f. 123. n. 20, 30.

l Ibid. f. 125. n. 30.

m Ibid. n. 50.

n Cl. 1. Ed. 3. Part 1. m. 3. Dors.

o Wals. f. 127. lin. 36.

He

He was [p] made Priſoner, *November* 16. and the Morrow after *Twelfth-Day*, all the Nobility of the Kingdom being ſummoned to Parliament, met at *London*, and judged the King unfit to rule, and for ſeveral Reaſons to be depoſed; and his Son, Prince *Edward* to be choſen King. [q] *Convenit* Londoniis *tota Nobilitas regni citata per prius ad Parliamentum tenendum ibidem in craſtino* Epiphaniæ, *ubi cuncti cenſuerunt Regem indignum Diademate, & propter plures Articulos deponendum, &* Edvardum *filium ejus primogenitum in Regem unanimiter eligendum, quod etiam conſequenter factum eſt.* Of which Tranſaction, when the Queen had notice, ſhe was full of Grief *outwardly* (*ut foris apparuit*) ſaith *Walſingham*: But the Prince, affected with this outward Paſſion of his Mother, as young as he was, would not accept of this Title (whether out of his own *Apprehenſion* of things, or by grave and mature Advice, which is moſt probable.) *Et* [r] *Juravit quod invito patre nunquam ſuſciperet coronam Regni*: And ſwore, that without his Father's Conſent, he would never take upon him the Crown of the Kingdom. Whereupon, ſeveral [ſ] Meſſengers being diſpatched to the King, then Priſoner at *Kenelworth*-Caſtle, who told him what had been done and concluded of, and diligently required him to reſign his Royal Dignity and Crown, and permit his Son to reign in his ſtead.

He was much diſturbed with the Meſſage; and ſaid, Since it could be no otherwiſe, he thanked them for chuſing his Firſt-born Son; making his *Reſignation*, and delivering up the *Royal Enſigns*, or *Tokens* of Sovereignty.

This done, *Edward* the Third directs his Writs to the Sheriffs of the ſeveral Counties, for preſerving and keeping the Peace; with this Preamble.

Rex [t] *Vicecom. Ebor. Salutem. Quia Dominus* Edwardus *nuper Rex* Angliæ *Pater Noſter de Communi Conſilio & aſſenſu Prælator. Com. Baron. & alior. Magnat. necnon Communitat. totius Regni prædict.* SPONTANEA VOLUNTATE *ſe amovit a Regimine dicti Regni* VOLENS & CONCEDENS *quod nos tanquam ipſius primogenitus* & HÆRES *ipſius regni gubernationem & regimen aſſumemus, noſque ipſius patris noſtri beneplacito in hac parte de conſilio & aviſamento Prælator. Com. Baron. Magnat. & Comitat. prædict. annuentes Gubernacula ſuſcepimus dicti regni; & fidelitates & Homag. ipſorum Prælator, & Magnat. recepimus ut eſt moris. Teſte Rege apud* Weſtmonaſterium, 29 Jan.

'The King, to the Sheriff of *York-ſhire*, Greeting. Becauſe *Edward*, 'late King of *England*, our Father, by Common Council and Aſſent 'of Prelates, Earls, Barons, and other Great Men, and alſo of the 'Communities of the ſaid Kingdom, of his own *Free Will*, *removed himſelf* from the Government of the ſaid Kingdom: *Willing* and *Granting*, 'that We, as his Firſt-born, and *Heir* of his Kingdom, ſhould take upon us the Rule and Government. And We yielding to the *good Pleaſure* of our Father, by the Counſel and Adviſement of the Prelates, 'Earls, Barons, Great Men, and Communities aforeſaid, have taken 'upon Us the Government of the ſaid Kingdom, and received the Fealties and Homages of the ſaid Prelates and Great Men according to 'Cuſtom. Witneſs, the King, at *Weſtminſter*, *Jan.* 29. Nine

[p] Ibid. n. 40. Knighton *ſays*, Octabis *Epiphaniæ*, *Eight days after* Twelfth Day. Col. 2549. n. 50.

[q] Walſingham, f. 126. n. 20, 30.

Ibid. lin. 35.

[r] Ibid. n. 40.

[ſ] Ibidem.

[t] Cl. 1. Ed. 3. Part. 1. m. 28. Walſingham, f. 126. n. 50.

Note de Conſilio & Aviſamento, *not* Electione, &c.

Nine days after he was inveſted with Kingſhip; and not long after that King *Edward* the Second was murdered in *Berkeley* Caſtle.

Any Man, though but of an *indifferent Capacity*, that ſeriouſly conſiders the ſtory of this unfortunate Prince, will eaſily perceive he was *depoſed* by *notorious Rebellion*, raiſed by *factious Biſhops* and *Tumultuous Barons*; and not without great *ſuſpition* of an intended *Uſurpation* by *Thomas* Earl of *Lancaſter*: and may eaſily ſee through the *Contrivance* of the *Queen* and *Mortimer* afterwards: and from thence cannot but judge it to have been a *Deſign* of *wicked popular Barons*, and not the *Action*, much leſs the *Choice* of the People.

Rot. Parl. 4 Ed. 3. n. 1. In the Fourth of *Edward* the Third, *Roger Mortimer*, Earl of *March*, was impeached in Parliament for divers Felonies and Treaſons; for aſſuming to himſelf Royal Power, making Diſſention between King *Edward* the Second and his Queen, and for murdering of him, and many other great Treaſons: and adjudged to be Drawn and Hanged, and was executed accordingly. And the Earl Marſhal was commanded to do the Execution; and the Mayor, Aldermen and Sheriffs of *London*, and Conſtable of the *Tower*, to guard and aſſiſt him.

Ibid. n. 2, 3, 4, 5. Many of his Accomplices had the ſame Judgment.

Rot. Parl. 50. Ed. 3. n. 40. al. 50. In the Fiftieth of *Edward* the Third, the Parliament do *acknowledge Richard* the Second to be *very Heir* to the Crown, as Son to *Edward* the Black Prince, *very Heir* to the Crown; and *petition* the King (his Father being dead) to make him *Prince* of *Wales*.

Who, after his Grandfather's death, was immediately by all people, the [*v*] *Londoners* eſpecially, acknowledged, owned and addreſſed to as King; and not long after [*x*] Crowned with great Solemnity. He lived continually in Tumults, and by his *Great* Uncles his Reign was made *uneaſie*, and at length was *depoſed* and *murdered* by a *Potent* Faction.

[*v*] Walſingham, fol. 193. n. 40. Ibid. f. 195. n. 10.

The Author of the *Brief Hiſtory of Succeſſion*, fol. 7. recommends to his Readers the thirty three Articles drawn up againſt *Richard* the Second, as well deſerving to be read; with *hope* and *deſign*, as eaſily may be gueſſed, to make them *believe* and think he was *juſtly* depoſed and murdered. But Mr. *Hollingſhed*, a moderate Writer, who hath truly related theſe *Articles*, and all the *Tranſactions* of his *Depoſition* and Murder, tells us, [*y*] that *whatſoever Writers do report, touching the ſtate of the time and doings of this King, yet if he might boldly ſpeak what he thought, He was a Prince the moſt unthankfully uſed of his Subjects of any one of whom ye ſhall lightly read: For, although (through Frailty of Youth) he demeaned himſelf more diſſolutely than ſeemed convenient for his Royal Eſtate, and made choice of ſuch Counſellors as were not favoured of the People; whereby he was the leſs favoured himſelf. Yet in no King's days were the Commons in greater Wealth, if they could have perceived their happy State. Neither in any other time were the Nobles and Gentlemen more cheriſhed, nor Church-men leſs wronged. But ſuch was their Ingratitude towards their bountiful and loving Sovereign, that thoſe whom he had chiefly advanced, were readieſt to control him, for that they might not rule all things at their Will, and remove from him ſuch as they miſliked, and place in their rooms whom they thought good; and that rather by ſtrong Hand, than by gentle and courteous means: Which ſtirred ſuch malice betwixt him and them,*

[*x*] Third Vol. of Chron. f. 508. n. 50.

till

The *chief Inſtruments* in depoſing this King were *Henry* Duke of *Lancaſter*, late Earl of *Derby*, and *Thomas Arundel* Arch-Biſhop of *Canterbury*: who aſſiſted by others, reduced the unfortunate King to ſo great Straits, as he was weary of his Government. They having him in their power, *kept* him *ſafe* in the *Tower* of *London*, until a Parliament was called; which was ſuddainly done, by directing Writs in the King's [*a*] *Name* to thoſe who of Right ought to be there. All things were *prepared* for the *Reſignation* of his *Crown* againſt the time of the *meeting* of the *Parliament*. He [*b*] was, by certain Commiſſioners appointed by it, depoſed; or had rather a Reſignation of the Crown extorted from him, though he ſeemed willing and forward to do it.

Walſingham, f. 358. n. 50.

a Ibid. f. 359. lin. 1.

b Rot. Parl. 1. H. 4. n. 52.

And then the *Duke* of *Lancaſter claimed* the Crown in Parliament, and challenged the Realm, [*c*] ALS DESCENDIT BE RYGHT LYNE OF THE BLODE COMEYNGE FRO THE GUDE LORD *HENRI THERDE.*

c Ibid. n. 53.

Poſtquam quidem [*d*] *vindicationem & clameum tam Domini Spirituales quam Temporales, & omnes ſtatus ibidem præſentes, ſingillatim & communiter interrogati, quid de illa vindicatione & clameo ſentiebant. Iidem ſtatus cum toto populo abſque quacunque difficultate vel mora, ut Dux præfatus ſuper eos regnaret, unanimitur conſenſerunt.*

d Ibid. n. 54.

After which *Claim* and *Challenge*, as well the Lords Spiritual as Temporal, and all *States* there preſent being ſeverally asked what they thought of that *Challenge* and *Claim*, the ſame *States*, with all the *People*, without *difficulty* or *delay*, *conſented* the aforeſaid Duke ſhould *reign* over him.

And then ſhewing to the States the [*e*] *Signet* of King *Richard*, which he gave him, as a *token* of his deſire to have him ſucceed him; The Arch-Biſhop, taking him by the Right Hand, *placed* him in the *Throne*.

e Ibid. Suæ voluntatis.

Here we ſee the *Foundation* of the *Parliament*'s *Conſent* that *Henry* ſhould be *King*, was a *pretended Right of Blood*, and the *deſire* of King *Richard* that it might be ſo.

Henry *the Fourth was Son to* John *of* Gaunt, *Duke of* Lancaſter, *fourth Son to* Edward *the Third, by* Blanch *his Wife, Daughter and Heir of* Henry *Duke of* Lancaſter, *Son of* Henry *Earl of* Lancaſter, *Brother and Heir to* Thomas *Earl of* Lancaſter, *eldeſt Son to* Edmund *called* Crouch-Back *the Firſt Earl of* Lancaſter, *Second Son to King* Henry the Third.

Upon [*f*] *Conſideration* had of this Title it was *conceived* to be *inſufficient*, and that it would paſs for a *Blind* and *Pretence* only. And therefore king *Henry*, upon the day of his Coronation, cauſed to be proclaimed, That he *claimed* the Kingdom of *England*; Firſt, *By Right of Conqueſt*. Secondly, *Becauſe King* Richard *had reſigned his Eſtate, and deſigned him for his Succeſſor*. And Laſtly, *Becauſe he was of the Blood-Royal*, and NEXT HEIR MALE UNTO KING *RICHARD*.

f Sir J. Hayward's *Life of* Hen. 4. p. 98.

g Ibid. p. 99.

In this Claim he takes no notice of any Election by the People, nor doth own the leaſt Right in them to elect him; but founds his Title upon Conqueſt, and Proximity of Male-Blood, and Donation of *Richard* the Second.

Henry the Fourth, Fifth and Sixth held the Crown by *Uſurpation*, without much *diſturbance*, until the thirty ninth Year of *Henry* the

[b] Rot. Parl. 39 H. 6. n. 11. Sixth; [b] when *Richard* Duke of *York* put in his *Claim*, as *Heir* to *Philippa, Daughter and Heir to* Lionel, *the third gotten Son of King* Edward *the Third; to whom the Right, Title, Dignity Royal, and Eſtate of the Crowns of the Realms of* England, *and of* France, *and of the Lordſhip and Land of* Ireland, *of Right, and Law, and Cuſtom appertaineth and belongeth, before any Iſſue of* John *of* Gaunt, *the fourth gotten Son of the ſame King* Edward.

Ibid. n. 12. The Lords Spiritual and Temporal, the *Queſtion* being put what they thought of the Duke's *Claim*, anſwer, that *The Matier was ſo high, and of ſuch wyght, that it was not to any of the King's Subjects to enter into Communication thereof, without his high Commandment, Agreement and Conſent had thereto.*

Ibidem. The Duke *preſſing* for an Anſwer, all the Lords went unto the King, and opened the *Claim* by the *Mouth* of the *Chancellor of England*; and it pleaſed him to *pray and command all the ſaid Lords, that they ſhould ſearch, as much as in them was, to find all ſuch things as might be object, and leyde againſt the Cleym and Title of the Duc.*

Ibidem. Whereupon, in the Morning, *October* 18. the *Lords* ſent for the *King's Juſtices* to *defend* his *Title*, againſt the *Claim* of the Duke of *York*; and in the King's Name, ſtreightly commanded them to find all Objections as might be laid againſt the ſame, in *fortifying* of the King's Title.

Ibidem. Who, on *Monday* following, on the 20th of *October*, *anſwered*, that the *matter* was ſo *high*, and touched the King's *high Eſtate* and *Regalie*, which is *above the Law*, and paſſed their Lerning: Wherefore they *durſt not enter into any Communication of the ſame*, for that it pertained to the *Lords* of the King's Blode, and *th' Apparage of this his Lande*; *and therefore beſought all the Lords to have them utterly excuſed.*

Ibidem. Then the Lords ſent for all the *King's Serjeants* and *Attorney*, and gave them ſtreight Commandment in the King's Name, that they ſadladly and aviſely ſhuld ſerch, and take all ſuch things as might be beſt and ſtrongeſt to be allegged for the King's Avail in Objection, and defeating of the Title, and Cleym of the Duc.

Ibidem. They *anſwered*, that if this *matier paſſed the Lerning of the Juſtices, it muſt needs exceed their Lerning: and alſo that they durſt not enter into any Communication in that matier: and prayed and beſought all the Lords to have them excuſed by geveing any Avice or Counſell therein. But the Lords would not excuſe them: and therefore, by their Advice and Aſſiſtance it was concluded by all the Lords, that the Articles following ſhould be objected againſt the Clayme and Title of the Duc.*

Ibid. n. 13. 'Firſt, It is thought that the Lords of this Lond, muſt needs call to 'their remembrance the great *Oaths* the which they have made to the 'King, the which may be *leyd* to the ſaid Duc of *York*; and that the 'Lords may not *break* their *Othes*.

'*Item*, It is thought alſo, that it is to be called to remembrance the '*great* and *notable Acts of Parliament* of divers of the King's Progeni-'tors. The which *Acts* be *ſufficient* and *reaſonable* to be *leyd* agene *the* '*Title of the ſaid Duc of* York. The which Acts be of much more Au-'thority than eny Chronicle; and alſo of Authority to defete eny 'manner of Title, made to eny Perſon.

'*Item*,

'*Item*, It is thought, that there is to be leyd ayent the Title divers '*Juteyles* made to the *Heires Males* of *Henry* the Fourth, as for the 'Crown of *England*, as it may appear by divers Chronicles and Par-'liaments.

'*Item*, It is thought, to be allegged the Title of the ſeid Duc, that 'the tyme that King *Henry* the Fourth toke upon him the Corone of '*England*, *he ſaid he entered and toke upon him the Corone as right In-*'*heritor to King* Henry *the Third*, and not as a *Conqueror*.

To which Articles the Duke anſwered,

Firſt, That noo *Oath* being the *Lawe* of *Man*, ought to be *performed* when the ſame leadeth to *ſuppreſſion* of *Trueth* and Right, which is againſt the *Lawe* of *God*. Ibid. n. 14.

To the ſecond and third, That in *trouth* there been noo ſuch *Acts* and *Tayles* made by eny Parliament heretofore, as it is ſurmiſed, *but oonly in the* [*h*] *ſeventh yere of King* Hen. IV. *a certain Act and Ordinance was made in a Parliament by him called, wherein he made the Reaums of* Englond *and* France, *amongſt other, to be unto him, and to the Heires of his Body comeing, and to his four Sons, and to the Heires of their Body comeing, in manner and fourme as it apperith in the ſame Act.* And if he might have obteyned and rejoyſed the Corones, &c. *by Title of Inheritance, Diſcent, or Succeſſion, He neither needed or would have deſired or made thaim to be granted to him in ſuch wyſe as be by the ſaid Act, which tacheth noo place, neither is of eny force or effect ayenſt him that is right Inheriter of the ſayd CORONES, as it accordeth with Gods Lawe, and all Natural Lawes*; howe it be that all other Acts and Ordinances made in the ſeyd Parliament then, been good and ſufficient ayenſt all other Perſons. Ibid. n. 15. h Cap. 2.

To the fourth, *That ſuch ſeyeing of the King* Henry *the Fourth may in noe wyſe be true; and that the contrary thereof, which is trouth, ſhall be largely enough ſhewed, approved, and juſtified by ſufficient Autorite, and matter of Record; and over, that his ſeyd ſeying was onely to ſhadowe and cover fraudulently his ſeyd unrightwyſe and violent Uſurpation, and by that moyen to abuſe diſceyveably the People ſtanding about him.* Ibid. n. 17.

Upon conſideration of this Anſwer, and Claim of the Duke of *York*, it was concluded and agreed by all the Lords, That his *Title* could not be DEFETED; and therefore for *eſchuying the great Inconvenients that may enſue, a mean was found to ſave the Kings Honor and Eſtate, and to appeaſe the ſaid Duc, IF HE WOULD*; which was, That the King ſhould *enjoye the Corone during Life*, the Duke to be *declared* the *true Heir*, and to *poſſeſs* it after his Death, &c. Ibid. n. 18.

In the firſt Article of this Agreement, or Accord, (as 'tis there called) the Title of the Duke of *York* is ſet forth; and the *Judgment* of the *Parliament* given, what then was, and before had been the *Foundation* and *ground* of the *Succeſſion* to the Crown of *England*, that is, *Proximity* of Blood. The Articles follow, ſo much of them as is pertinent to this matter.

Firſt, Where the ſeyd *Richard* Duc of *Yorke* hath declared and opened, as above, his ſeyd *Title* and *Cleyme* in manner as followeth. *That the right noble and worthy Prince* Herry *King of* Englond *the Third, had Iſſue and leefully gate* Edward *his firſt-begotten Son, born at* Weſtminſter

the

the xv Kalend *of* Juyle, *in the Vigil of St.* Mart. & Marcellian. *the Tere of our Lord* M.CC.XXXIX. *and* Edmund *his ſecond goten Son, which was born on Seint* Marcell. *day, the Tere of our Lord* M.CC.XLV. *The which* Edward, *after the death of the ſeyd King* Herry *his Fader, entituled and called King* Edward *the Firſt, had Iſſue* Edward *his firſt-begoten Son, entituled and called after the deceaſe of the ſeyd firſt* Edward *his Fader, King* Edward *the Second; which had Iſſue and leefully gate the ryght Noble and Honourable Prynce* Edward *the Third, true and undoubted King of* Englond, *and of* France, *and Lord of* Ireland: *Which* Edward *the Third, true and undoubted King of* Englond, *and of* France, *and Lord of* Irelond, *had Iſſue and leefully gate* Edward *his firſt begotten Son, Prynce of* Wales; William Hatfield, *ſecond-begotten;* Leonell, *third-begoten, Duc of* Clarence; John of Gaunt, *fourth-begotten, Duc of* Lancaſter; Edmund Langley, *fifth begoten, Duc of* Yorke; Thomas Woodſtock, *ſixth-begoten, Duc of* Glouceſter; *and* William Wyndeſore, *the ſeventh-begoten. The ſeyd* Edward *Prynce of* Wales, *which dyed in the lyfe of the ſeyd* Edward *King, had Iſſue and leefully gate* Richard, *the which ſucceeded the ſame* Edward *King, his Grandfather, in Royal Dignity, entituled and called King* Richard *the Second, and dyed without Iſſue.* William Hatfield, *the ſecond-goten Son of the ſeyd* Edward *King, dyed without Iſſue.* Leonell, *the third-goten Son of the ſame King* Edward, *had Iſſue and leefully gate* Philippa *his oonly Daughter and Heir, which by the Sacrament of Matrymony copled unto* Edmund Mortimer *Erle of* March, *had Iſſue and leefully bare* Rogier Mortimer *Erle of* March, *her Son and Heir: Which* Rogier *Erle of* March *had Iſſue and leefully gate* Edmund *Erle of* Marche, Rogier Mortymer, Anne, *and* Alianore; *which* Edmund, Rogier, *and* Alianore *dyed without Iſſue: And the ſeyd* Anne, *under the Sacrament of Matrymony, copled unto* Richard *Erle of* Cambridge, *the Son of the ſeyd* Edmund Langley, *fifth-begoten Son of the ſeyd King* Edward, *as it is afore ſpecified, had Iſſue and leefully bare* Richard Plantagenet, *commonly called Duc of* Yorke: *The ſeyd* John of Gaunt, *the fourth-goten Son of the ſeyd King* Edward, *and younger Brother of the ſeyd* Leonell, *had Iſſue and leefully gate* Hen. *Erle of* Derby, *which incontinent after the tyme that the ſeyd King* Richard *reſigned the Corones of the ſeyd Reaumes, and the ſeyd Lordſhip of* Ireland, *unrightwyſely entered upon the ſame, then being on live* Edmund Mortymer *Erle of* Marche, *Son to* Rogier Mortymer *Erle of* March, *Son and Heir of the ſeyd* Phelippa, *Daughter and Heir of the ſeyd Sir* Leonell, *the third Son of the ſeyd King* Edward *the Third; to the which* Edmund *the Ryght and Title of the ſeyd Corones and Lordſhip by Lawe and Cuſtome belonged.*

Lib. 22. ſub initio, fol. 433. n. 30.

Before we paſs over theſe three Uſurpers, we muſt take notice of a Paſſage in *Polydore Virgil* concerning *Henry* V. in theſe Words: *Princeps* Hen. *facto Patris funere, Concilium Principum ad* Weſtmonaſterium *convocandum curat, in quo dum de Rege creando more majorum agitabatur, Ecce tibi de repente aliquot Principes ultro in EJUS VERBA jurare cœperunt. Quod Benevolentiæ Officium* [i] *nulli antea priuſquam Rex renuntiatus eſſet, præſtitum conſtat: adeo* Hen. *ab ineunte ætate ſpem omnibus optimæ indolis fecit. Creatur itaque Rex ad quintum Iduum* Aprilis *eo Anno quo Pater e vita exceſſerat, & Quintus ejus Nominis* Henricus *dictus eſt.*

[i] Edw. I. *was in* Paleſtina *when his father died, yet acknowledged K. before his return.* K. John *was acknowledged King before his Coronation alſo.*

The

The [k] Author of the *Brief Hiſtory of Succeſſion* thus renders this Sentence: Immediately upon the death of *Hen.* IV. a Parliament MET at *Weſtminſter*, and there, according to the Cuſtom of the Realm, it was debated who ſhould be King: But all men had entertained ſo good thoughts of Prince *Henry*, that without ſtaying till the whole Aſſembly had declared him King, divers of them began to *ſwear Allegiance* to him: a thing ſtrange, and without preſident, as only occaſioned by extraordinary Opinion which was generally conceived of him before, and the certain Title veſted in him by [m] Act of Parliament.

k Fol. 7.

l The words are Concilium Principum convocandum curat. *If this was a Parliament, he muſt be King before he could call it.*

m He means the *Act of Entail of the Uſurpation*, 7 H. 4. c. 2.

In his Citation of the Latin he leaves out theſe Words which belong to this piece of Story, and do declare the meaning of it: *Creatur itaq; Rex ad quintum Iduum* Aprilis *eo Anno quo Pater e vita exceſſerat*, &c. He was Crowned King on the fifth of the Ides of *April*, the ſame year his Father died.

Tho. Walſingham who lived at this time, ſays, *Hen.* IV. died *Mar.* 20. 1413. And then, *eodem Anno coronatus* Londoniis Henricus *Primogenitus Regis* Henrici *nuper defuncti quinto Iduum* Aprilis, &c. The ſame Year *Henry* the Firſt-born of King *Henry* lately deceaſed, was Crowned at *London* on the fifth of the Ides or tenth of *April.* By which Words of *Walſingham* 'tis evident he hath miſtaken the meaning, and falſly tranſlated the Words of *Polydore*; for they ought to be Engliſhed in this manner.

Prince *Henry* having buried his Father, cauſed a Council of the Chief Men of the Nation to be *call'd* at *Weſtminſter*, in which they treat, or debate about Crowning the King, according to the Cuſtom of his Predeceſſors; forthwith ſome of the Great Men began to ſwear as he *dictated to them*, which *officious Benevolence* was performed to *none before he* was declared King; ſuch hope he had given from his Childhood of an excellent Diſpoſition: therefore he was Crowned King on the fifth of the Ides of *April*, that Year his Father died, and was called *Henry* the Fifth. An intelligent Man would wonder how the Writer of the *Brief Hiſtory*, &c. ſhould *SQUEEZE* his *Tranſlation* out of theſe Latin Words.

But *Polydore*, who, as I hinted before, was very unfit to write the Engliſh Hiſtory, hath very oddly in Latin expreſs'd this Relation, as he likewiſe hath done many other Stories. His Character take from Sir *Hen. Savile*, in his Epiſtle to Queen *Elizabeth*, before his Edition of the old Engliſh Writers after *Bede*. *Polydorus* (ſaith he) *ut homo Italus, & in rebus noſtris hoſpes* (*& quod caput eſt*) *neque in Republica verſatus, nec magni alioqui vel judicii, vel ingenii, pauca ex multis delibans, & falſa plerumque pro veris amplexus, Hiſtoriam nobis reliquit cum cætera mendoſam tum exiliter ſane & jejune conſcriptam. Polydor*, as he was an *Italian*, and a Stranger in our Affairs, and, which was the chief matter, not underſtanding our Government and Laws, nor otherwiſe of great Wit or Judgment, chuſing a few things out of many, and oft-times taking falſe things for true, hath left us a very *faulty* Hiſtory, *ſlightly* and *pitifully* written.

After the Reign of theſe three Uſurpers, and Depoſition of *Henry* the Sixth, in the [n] firſt of *Edward* the Fourth, the Proceedings againſt *Richard* the Second are Repealed, where 'tis ſaid, That *Henry*

n Rot. Parl. n. 9, 10, 11, 12, 13, &c.

Earl of *Derby*, afterwards *Henry* the Fourth, *temerously ayenſt ryghtwiſneſſe and Juſtice, by Force and Arms, ayenſt his Faith and Ligeance, rered Werre at* Flynt *in* Wales *ayenſt King* Richard *the Second, him tooke, and impriſoned in the Tower of* London, *in great violence, and uſurped and intruded upon the Royall Power, Eſtate, Dignity, &c. And not therewith ſatisfyed or content, but more grievous thing attempting, wickedly, of unnatural, unmanly, and cruel Tyranny, the ſame King* Richard, *King Anointed, Crowned, and Conſecrated, and his Liege and moſt Soveraigne Lord in Earth, againſt Gods Lawe, Mans Ligeance, and Oath of Fidelity, with uttermoſt panicion, attormenting, murdered, and deſtroyed, with moſt vile, hainous, and lamentable Death, &c.*

Ibidem. The Commons being of this preſent Parliament, having ſufficient and evident knowledge of the ſaid unryghtwyſe Uſurpation and Intruſion, by the ſaid *Henry* late Earl of *Derby*, upon the ſaid Crown of *England*; knoweing alſo certainly, without doubt and ambiguity, the Right and Title of our ſaid Soveraigne Lord thereunto true, and that by Gods Lawe, Mans Lawe, and the Lawe of Nature, he, and none other, is, and ought to be, their true, ryghtwyſe, and natural Liege, and Soveraigne Lord, and that he was in right from the Death of the ſaid Noble and Famous Prince his Father, very juſt King of the ſaid Realm of *England*, doe take, accept, and repute, and will for ever take, accept, and repute the ſaid *Edward* the Fourth their Soveraigne and Liege Lord, and him and his Heirs to be Kings of *England*, and none other, according to his ſaid Right and Title.

Ibidem. And that the ſame *Henry* unryghtwyſely, againſt Lawe, Conſcience, and Cuſtome of the ſaid Realm of *England*, uſurped upon the ſaid Crown and Lordſhip; and that he, and alſo *Henry* late called King *Henry* the Fifth, his Son, and *Henry* late called King *Henry* the Sixth, his Son, occupied the Realm of *England* and Lordſhip of *Ireland*, and exerciſed the Governance thereof, by unryghtwyſe, intruſion, uſurpation, and no otherwiſe.

Ibidem. That the Amotion of *Henry*, late called King *Henry* the Sixth, from the Exerciſe, Occupation, Uſurpation, Intruſion, Reign, and Governance of the ſame Realm and Lordſhip, done by our Soveraigne Lord King *Edward* the Fourth, was and is rightwyſe, lawfull, and according to the Lawes and Cuſtomes of the ſaid Realme, and ſoe ought to be taken, holden, reputed, and accepted.

Ibidem. Further, Some if not all the Grants made by *Henry* Earl of *Derby*, called *Henry* the Fourth, the ſaid *Henry* his Son, or the ſaid *Henry* called *Henry* the Sixth, or by Authority of any pretenced Parliament in any of their days, were reputed null and void.

Ibidem. That the unrightwyſe and unlawful Uſurpation and Intruſion of the ſame *Henry* upon the Crown of *England* and Lordſhip of *Ireland*, was to the great and intolerable hurt, prejudice, and derogation of *Edmund Mortimer* Earle of *March*, next Heir of Blood of the ſaid King *Richard* at the time of his Death, and to the Heirs of the ſaid *Edmond*, and to the great and exceſſive Damage unto the Realm of *England*, and to the politick and peaceable Governance thereof, by inward Wars moved and grounded by occaſion thereof.

In

In the First of *Richard* the Third, the [o] Three Estates, after having much faulted the Government, Marriage, and Person of *Edward* the Fourth, and affirmed, That the Right and Title of the Issue of *George* Duke of *Clarence* was barred by his Attainder, and *extolling the Parts, Wisdom, and Justice of* Richard *his Brother*, declared him undoubted Heir of *Richard* Duke of *York*, Father to *Edward* the Fourth, *very Inhæritor* of the Crown of *England*, and Dignity Royal, and *as in Right* King of *England* [p] *by way of Inheritance*; and therefore having in his great prudent Justice, Princely Courage, and excellent Vertue, singular Confidence, did by Writing (in all that in them lay) chuse him their King and Sovereign Lord, to whom they knew of certain it apperteined to be so chosen, *&c.*

o Exact Abridgment, fol. 712. *In this Abridgement the whole Record of* 1 R. 3. *is printed.*

p Ibid. fol. 713.

And do further declare, That the *Right*, *Title*, and *Estate* which King *Richard* the Third had to, and in the Crown and Royal Dignity of the Realm of *England*, with all things thereunto within the said Realm, and without it, annexed and apperteining, was just and lawful, as grounded upon the Laws of God and Nature, and also upon the *antient Lawes* and *laudable Customes* of this said Realm, as also taken and reputed by all such Persons as were learned in the aboveſaid Laws and Customs.

Ibidem.

And then they proceed, and say, Yet nevertheless, forasmuch as it is considered that the most part of the People is not sufficiently [q] learned in the aforesaid Laws and Customs, whereby the Truth and Right in this behalf of likelyhood may be hid, and not clearly known to all the People, and thereupon put in doubt and question. And over this, how that the *Court of Parliament* is of such *Authority*, and the People of this Land of such a nature and disposition, as Experience teacheth, that Manifestation or Declaration of any Truth made by the *Three Estates* of this Realm assembled in Parliament, and by Authority of the same, maketh before all other things most faithful and certain quieting of Mens minds, and removeth the occasion of Doubts and seditious Language.

q Ibib. f. 714.

Therefore at the Request and by the Assent of the *Three Estates* of this Realm, *THAT IS TO SAY, The Lords Spiritual and Temporal, and Commons of this Land, assembled in this present Parliament*, and by the Authority of the same, be it *pronounced, decreed, and declared*, That our said Sovereign Lord the King was and is the very undoubted King of this Realm of *England*, with all things thereunto belonging, within the said Realm, and without it, united, annexed, and apperteining, as well by Right of *Consanguinity*, and *Inhæritance*, as by lawful Election, Consecration, and Coronation.

Ibid. f. 717.

Election *here can signifie nothing but* Recognition.

Hæreditary Right, and Right of *Blood*, was the Ground of this Establishment.

Henry the Seventh having no Hæreditary Title of his own, and being always [r] averse to take upon him the only *true* and *undoubted Title* of his Queen, eldest Daughter and Heir to *Edward* the Fourth, procured an Act of Parliament [s] That the *Inhæritance* of the Crown of the Realms of *England* and *France*, with all the Preheminencies and Dignities Royal to the same apperteining, and the Ligeances to the King belonging beyond the Seas, *&c. shall be, rest, remain, and abide* in

r Bacon's *Hist.* f. 7.

s Rot. Parl. 1 H. 7.

in the moſt Royal Perſon of our moſt Sovereign Lord *Henry* the Seventh, and in the Heirs of *his Body* lawfully coming, perpetually, and ſo to endure, and no otherwiſe.

It may be noted from theſe words, That the inheritance of the Crown ſhould reſt, remain, and abide, in the King, &c. That he deſigned not a Declaration or Recognition of his Right, but rather an *Eſtabliſhment* of that *Poſſeſſion* he had gotten *by the Sword*; for not *thinking* this Act a *Sufficient Security* for him, nor depending on this *Parliamentary Title*, he extended his pretences beyond this Eſtabliſhment, in as much as he procured it to be confirmed the year following by the *Bull* of *Pope Innocent* the Eighth, in which this Statute, with his *Titles* of *Conqueſt*, and *Deſcent*, are *mentioned*, and *confirmed*.

* In Cotton. Libr. Cleopat. E. 3.

* The Bull ſays, That the Kingdom of *England* belonged to him by undubitable right. *Non modo jure Belli, ac notorio & indubitato proximo ſucceſſionis Titulo, verum etiam omnium prelatorum, procerum, Magnatum Nobilium totiuſque ejuſdem Regni* Angliæ *plebis Electione, et noto ac decreto ſtatuto et ordinatione ipſius* Angliæ *Regni trium Statuum in ipſorum conventu Parliamento nuncupato:*

That is, Not only by the right of War, and the notorious and indubitable next * *Title* of *Succeſſion*, but alſo by the election of all the *Prelates*, and *great Men*, and of the whole *Commonalty* of the Kingdom of *England*, and by a known and decreed Statute and Ordinance of the *Three Eſtates* of the ſame Kingdom of *England*, in their *meeting* called a *Parliament*.

* *It is true, if meant in right of his Queen.* And note, *He prefers his Title by Conqueſt and Succeſſion, before that by Act of Parliament.*

And afterward in the Thirteenth of his Reign he got his Bull renewed and the Act confirmed again by † Pope *Alexander* the Sixth, under pain of Excommunication and Curſe to ſuch as ſhould upon any pretence whatſoever, diſturb the *peace* of the Nation, and *create* troubles againſt *this Title* of *Henry* the Seventh.

† Ibidem.

So that notwithſtanding this Act of Parliament, which was cunningly penned to Eſtabliſh his *poſſeſſion* he had obtained *by the Sword*, He thought that, and the *Popes Bulls* of *Confirmation* his *beſt Title*, yet not omitting his own *pretended indubitable next Right* of *Succeſſion*.

Henry the Eighth, next heir to the Crown by *Proximity* of *Blood*, as right Heir to his Mother *Elizabeth*, Daughter and right Heir to *Edward the* Fourth, ſucceeded his Father in his Kingdom; who in all *Extravagant* Acts concerning his *Queens* and the *Succeſſion*, ever founded it in pretended legal *Proximity* of Blood, and Lawful next Heirs of Blood according to the *due courſe* of *inheritance*; the pretended want of which, was the only *ſuggeſtion* for paſſing theſe Acts.

Cap. 22.

In the Twenty fifth of *Henry* the Eighth there was an Act for the Succeſſion; the preamble this. *In their moſt humble wyſe ſhewen unto your Majeſty your moſt humble and obedient Subjects the Lords Spiritual and Temporal and Commons in this preſent Parliament*, &c. *That ſince it is the natural inclination of every man to provide for the ſuerty both of his Title and Succeſſion, although it touch his only private Cauſe; we therefore reckon our ſelves much more bounden to beſeech and inſtant your Highneſs to forſee and provide for the perfect ſuerty of both you, and your lawful Succeſſion, and Heirs, upon which dependeth all our joy, and wealth, in whom alſo is united and knit the only meer* * TRUE INHERITANCE,

* *Having the Iſſue and Heir of both Houſes of York and Lancaſter.*

and

and TITLE *of this Realm without any contradiction.* And then mentions, that certain diviſions aroſe upon *ambiguities*, and *doubts* not perfectly declared from froward intents, to expound them contrary to the right legalty of the *Lawful Succeſſion*, and poſterity of the lawful Kings and Emperours of this Land.

After this confirming the Divorce of *Queen Katherine*, as alſo the King's Marriage with *Anne Boleyn*, the Parliament entayles the Crown upon him and his *Heirs Male* by her, and for want of ſuch Iſſue upon *Elizabeth* their eldeſt Daughter, and their Heirs Females according to the *due courſe* of *Inheritance*.

From whence it appears that the Succeſſion was founded upon *inheritance*, and the deſign of the Act was that *Henry* the eighth might have Lawful Iſſue to *inherit* the Crown, that ſo all *Ambiguities*, and *Doubts* about the *Succeſſion* might be taken off. And all the Kings Subjects were bound under pain of miſpriſion of Treaſon to ſwear to obſerve the Contents of this Act.

The Act for Succeſſion, 28 *Hen.* 8. *c.* 7. affirms there were many *Lawful impediments, unknown* at the making of the Act of *Succeſſion*, 25 *Hen.* 8. *c.* 22. which ſince that time were *confeſſed* by the Lady *Anne before Thomas Archbiſhop* of *Canterbury* ſitting Judicially for the ſame: By reaſon of which impediments, the Kings Marriage with her was *never good, nor conſonant to the Lawes*; and therefore Q. *Elizabeth* was declared *Illegitimate*, and it was *declared Treaſon* for any Man to *judge* or believe the *Marriage* between the King and the Lady *Katherine*, or *Anne*, to be *good, lawful, or of any effect.* It was alſo in this Act declared Treaſon *for any one to take, accept, name, or call any of the Children born and procreate under thoſe unlawful Marriages, legitimate, or lawful Children of the King.* And therefore the Crown was ſettled upon the King and his *Heirs Males* by his *Lawful Queen Jane*; and for want of ſuch Iſſue by her, upon his *Heirs Males* by any other *Lawful Wife*; and for want of *Heirs Males*, upon his *Heirs Females* by Queen *Jane*, or any other *lawful Wife*. And for lack of Lawful Heirs of his Body to be *procreated* and *begotten* as is limitted by this Act, to ſuch perſon and perſons in Poſſeſſion and Remainder, as ſhould pleaſe the King; and according to ſuch *Eſtate*, and after ſuch *manner, form, faſhion, order*, and *condition, as ſhall be expreſſed, declared, named, and limitted by his Letters Patents, or by his laſt Will.* And then follows, And we your moſt humble and obedient Subjects do faithfully promiſe to your Majeſty by one Common Aſſent, That after your deceaſe, and for lack of Heirs of your Body lawfully begotten, as is afore rehearſed, We, our Heirs and Succeſſors, ſhall accept and take, love, dread, ſerve, and alonely obey, ſuch Perſon and Perſons, Males or Females, as your Majeſty ſhall give your ſaid Imperial Crown unto, by authority of this Act, and to none other; and wholly to ſtick to them as true and faithful ſubjects ought to do to their Regal Rulers, Governours and ſupream Heads.

Pult. Stat. f. 628. 630. Ibid. f. 633 Ibidem. Ibid. f. 631. Ibid. f. 632. Ibidem.

To provide for *Lawful Heirs* was the *pretended Ground* of this *Act* of *Succeſſion*; not to *exclude* them, and to give the King a *ſtrange unheard* of *Power* to diſpoſe of the Crown, &c.

The Thirty fifth of *Henry* the Eighth, *cap.* 1. *recites* how the Crown was *entailed*, 28 *Hen.* 8. and what Power was given to him to diſpoſe of

the Crown. To the *intent* therefore that His Majeſty's diſpoſition and mind therein *might* be *openly declared*, and *manifeſtly known*, His Majeſty deſigning a Voyage beyond Sea; it was enacted by his Highneſs, with the Aſſent of the Lords Spiritual and Temporal, and Commons in Parliament aſſembled, and by Authority of the ſame, That in caſe it ſhould happen, the *King's Majeſty*, and *Prince Edward*, *Heir Apparent*, to die without Iſſue of their Bodies lawfully begotten, ſo as there be no *Heirs Male* or *Female* of either of their Bodies to have and inherit the ſaid Imperial Crown, that then it ſhould be to his *Daughter Mary*, and her *Heirs lawfully to be begotten under ſuch Conditions as ſhould be limited by the King's Letters Patents, or his laſt Will: And for default of Iſſue, to his Daughter* Elizabeth *upon the ſame Conditions*. But if no Conditions were appointed, then the Succeſſion to each of them, one after another, abſolutely.

And for want of Heirs by his Queen *Katherine*, his Lawful Wife; and for want of Lawful Iſſue of Prince *Edward*, his Daughters *Mary* and *Elizabeth*, then the King to diſpoſe of the Crown at his only pleaſure from time to time.

All theſe *Acts of Succeſſion* were made by the King's *Sollicitation*, *Authority*, *Command*, or other *Procurement*; and were not otherwiſe *moved*, *contrived* or *offered* to him.

1 Mar. Seſſion. 2. c. 1. In the Firſt of Queen *Mary* there is an Act, declaring the Queen's Highneſs to have been born in moſt juſt and faithful Matrimony; and alſo *repealing* all *Acts* of *Parliaments* and *Sentence* of *Divorce* made or had to the contrary. The intention of this Act was to declare the *Succeſſion* to be in *Inheritance* by Right of Blood.

1 Eliz. c. 3. In the Firſt of *Elizabeth*, the Lords Spiritual and Temporal, and Commons do declare and confeſs that Queen *Elizabeth*, and in *very deed, and of moſt meer Right, ought to be, by the Laws of God, and the Laws and Statutes of this Realm, their moſt rightful and lawful Sovereign Queen:* And that ſhe was *rightly, and lineally, and lawfully deſcended and come of the Blood-Royal of this Realm of* England; *in and to whoſe Princely Perſon, and the Heirs of her Body lawfully begotten after her, without all Doubt, Ambiguity, Scruple or Queſtion, The Imperial Crown and Dignity of this Realm was really and entirely veſted.* In this Law (whether it were true or not in her) the right, lineal and lawful Deſcent of Queen *Elizabeth* was the *Ground* upon which ſhe was *declared* to be by *God's Laws*, and the *Laws* and *Statutes* of this *Realm*, *moſt rightful and lawful Queen.*

And whatever ſhe and her *Council* ſecretly thought of her own *Perſonal Title*. Yet upon the Treaty of Marriage with the *Duke* of *Anjou*, in the Anſwer to the ſixth Article delivered by the *French* Ambaſſador, it is declared, that the Succeſſion in her Kingdoms *was*, *and ought to be Hereditary*, according to nearneſs in Blood. The words are, *Liberi ex hoc matrimonio prognati in materna hæreditate ſuccedent in regnis, ſecundum jura & conſuetudines regnorum, viz. primogenitus filius in Coronam quam Regina mater habet, & ſi nulli extabunt filii Maſculi, filiæ ſi extabunt, viz. prima & ſola maxima natu, &c. Atque idem ut fiat in hæreditate paterna æquum eſt, & quomodo conſuetudines locorum id ferent, intelligi par eſt.* That is, The Children begotten of this Marriage ſhall

ſucceed

ſucceed in the *Mothers Inheritance* in the Kingdoms, according to the Laws and Cuſtoms of the Kingdoms; that is to ſay, The *Firſt born Son* ſhall enjoy the Crown which the Queen Mother hath. And if there be no Iſſue Male, the Daughters, if there be any, ſhall ſucceed; that is to ſay, the *Eldeſt firſt*, and *alone*, &c. And that it is juſt, the *Succeſſion* ſhould obtain after the ſame manner in the *Paternal Inheritance*, if the Cuſtom of the places would allow it.

After the death of Queen *Elizabeth*, the *Act of Recognition*, made upon King *James* his coming to the Crown, *doth not take notice of the Title raiſed by Act of Parliament to* Henry *the Seventh, and the Heirs of his Body*: But declares [a] that he was *Lineally, Rightfully and Lawfully deſcended of the Body of the moſt excellent Lady* Margaret, *eldeſt Daughter of the moſt renowned King* Henry *the Seventh, and the high and noble Princeſs, Queen* Elizabeth, *his Wife, eldeſt Daughter of King* Edward *the Fourth.* The ſaid Lady *Margaret* being eldeſt Siſter of King *Henry* the Eighth, Father of the High and Mighty Princeſs of famous Memory, *Elizabeth*, late Queen of *England*: [b] In conſideration whereof, the Parliament doth acknowledge King *James* their only *Lawful* and *Rightful Leige Lord* and *Sovereign.* [c] And further ſay, as being *bound thereunto both by the Laws of God and Man*, they do *recognize* and *acknowledge* [d] that *Immediately upon the Diſſolution and Deceaſe of* Elizabeth, *late Queen of* England, *the Imperial Crown of the Realm of* England, *and all the Kingdoms, Dominions and Rights belonging to the ſame, did by inherent Birthright, and lawful and undoubted Succeſſion, deſcend and come to His moſt excellent Majeſty, as being lineally, juſtly and lawfully next, and* SOLE HEIR *of the Blood-Royal of this Realm*, as it is afore ſaid. And thereunto they do moſt humbly and faithfully ſubmit and oblige themſelves, their Heirs and Poſterities for ever, until the laſt drop of their Bloods be ſpent.

[a] 1 Jac. c. 1.
[b] Ibidem.
[c] Ibidem.
[d] Ibidem.

What can be clearer than that the *Succeſſion* to the Crown of *England* was always *thought, judged, had, taken* and *reputed* to be from *Nextneſs* of Blood, by the Opinion of all ſober Men, by *Law* and *Cuſtom*, by this, and other *Acts* of Parliament, and *Statutes* before cited.

This then being the true Hiſtory and Caſe of Succeſſion to the Crown of *England*, and its being only founded upon Proximity of Blood, the Author of the *Brief Hiſtory of Succeſſion*, &c. ought to have called it *An Hiſtory of Uſurpations, Seditions and Rebellions.* It was written and intended for a *purpoſe* he will not own; that is, to ſhew, that *In the* Engliſh *Monarchy there is not Right of Succeſſion*; but that Parliaments or Armies may ſet up whom they pleaſe.

This, I confeſs, hath been practiſed in this Nation; and it was the main Cauſe of the War between the Families of *York* and *Lancaſter*; that proceeding from the *Right* of the one Party, and *Poſſeſſion* of the other, and the *Contrarieties* of Acts of Parliament was cauſed by the *Alternate Victories* of both.

But the doing of a thing makes it not lawful: Repeated Wickedneſs, or the frequent Repetition of Wickedneſs, gives no Authority to any one to commit that Wickedneſs, as the frequency of Adulteries or Robberies doth not juſtifie either of them.

I think

I think it's no good Argument to say, *Edward* the Second was *deposed* and *murthered*, therefore *Richard* the Second might be *deposed* and *murthered*; or, That they were both deposed and murthered, therefore *Charles* the First might be *deposed* and *murthered*; or, Because *King Charles* the First was deposed and murthered, therefore *King Charles the Second* may be deposed and murthered.

Precedents are of force only in things *lawful*, *obscure* or *dubious*, but never in things *unjust*.

The Depositions and Murthers of *Edward* the Second and *Richard* the Second, the Usurpations and unlawful Actions of *Henry* the Fourth and *Richard* the Third, were in their own times condemned by all good Men, even as the *Actions* of that Parliament began in 1641. in ours, which I suppose is the reason why the Author of the *Pamphlet* brings not them in as a *Precedent*; which would have served his turn better than all his other Instances.

But besides their *impious Instances*, we ought to take notice of the *Expressions* of these Men of *Jesuitical Principles*. They call *Usurpation* the *Election* of the People; a *Faction*, the *Commonwealth*; the *Actions* of *a few they impute to all*; *They call Rebellion a just and judicial Proceeding*; *often and open Perjury*, *an orderly Revoking of a Sentence*; *God's secret Judgment* in permitting Injustice to prevail, his *owning* and *allowance* thereof; the *Inconsistency* and present *Humour* of the *heedless Multitude*, (who *judge* of things, not by *Reason* or *Justice*, but either by *Opinion*, which commonly is partial; or else by *Report*, which is usually full of *Incertainties* and *Errors*, the most part *Doing* because others *Do*; all easie to be drawn in to serve any *wicked* and *ambitious* Men's *Attempts*) they call the presumed *Will* and *Consent* of the People: According to which (say they) the *Succession* of the Crown is to be directed. And by these *Arts* they do very much *impose* upon their unwary Readers.

To this History of Succession belongs the Act of the Thirteenth of *Elizabeth*, *cap.* 1. intituled *An Act whereby certain Offences are made Treason*; which, as many great and learned Persons think, was, upon the debate and making of it, intended and designed to declare a Power in the Queen and her Successors for ever, by Authority of Parliament, to make Laws and Statutes of sufficient force and validity, to limit and bind the Crown of *England*, and the Descent, Limitation, Inheritance and Government thereof.

[e] 4 Instit. f 52. Sir *Edward Coke* [e] says, *Many Acts of Parliament are hardly to be understood, unless the History of that time be joyned thereunto.* This Parliament met [f] *April* 2. 1571. 13 *Eliz.* and was dissolved [g] *May* 29. following.

[f] Pult. Stat. [g] Com. Journ. mar. 29 Maii, fol. 39.

This Parliament, we see, was holden in the beginning of the Year 1571. Some Years before, but most especially in the Year 1570. immediately preceding, there had been many *Practices*, and *Seditious* and *Treasonable Contrivances* against Queen *Elizabeth*, by *Foreign*, as well as *Domestick* Enemies: By the Pope and King of *Spain*, Duke of *Guise* in *France*, Duke *D'Alva* in the *Netherlands*, the Fugitive *English*, &c. abroad: And at home, frequent *Conspiracies* to deliver the Queen of *Scots* out of Prison, Attempts upon the Queen's Person, the Rebellion in the North by the Earls of *Northumberland* and *Westmerland*, the Match

See Camden's Eliz. Ao. Dom. 1568, 1569, 1570, 1571.

of

of the Duke of *Norfolk* with the Queen of *Scots*; [*h*] her Uſurpation of the Crown of *England*, with the Title and Arms thereof; and the Bull of Pope *Pius* the Fifth, by which he declared her a Heretick, &c. and impiouſly, and without any *Authority*, other than *Papal Tyranny*, *deprived* her of her *Title*, *Dominions* and *Kingdoms*, and abſolved all her Subjects from their Obedience and Allegiance. [h] Ibid. fol. 171.

All theſe, but [*i*] more particularly the Pope's Bull, and the Conſpiracy of *Norfolk*, created much trouble in the mind of Queen *Elizabeth*: And ſhe ſent to the Queen of *Scots*, *Cecyl* and Sir *Walter Mildmay*, to conſult with her by what means moſt conveniently the Diſſentions of *Scotland* might be compounded, her ſelf reſtored, and Queen *Elizabeth*, and her young Son, ſafe and ſecure. [i] Ibid. 149.

Amongſt the Propoſitions made to obtain theſe ends, theſe were two, [*k*] *That the Queen of* Scots *ſhould renounce her Title and Claim as long as Queen* Elizabeth, *and the Children lawfully born of her Body ſhould live. That if the Queen of* Scots *ſhould attempt any thing by her ſelf, or any other, againſt Queen* Elizabeth, *ſhe ſhould*, ipſo facto, *forfeit all her Right and Title ſhe claimed to* England. [k] Ibid. f. 1570.

To which the *Deputies* of the Queen of *Scots Lieutenants* anſwered, *That the Title ſhould be renounced as long as Queen* Elizabeth *lived*: And *That the Queen of* Scots *ſhould be excluded from all Right of Succeſſion in* England *if ſhe attempted any thing againſt the Queen of* England's *Right, ſo as if the Queen of* England *would be likewiſe bound in ſome equivalent Penalty if ſhe ſhould attempt any thing againſt the Queen of* Scots.

There was no Agreement upon theſe, and other Propoſitions then made, becauſe the *Scots*-Deputies thought them too hard and ſevere, and not to be aſſented unto without the greateſt Inconveniencies imaginable.

And thence followed new *Deſigns* and *Contrivances* for the Relief of the Queen of *Scots*, &c.

The *Marriage* of the Duke of *Norfolk* with the Queen of *Scots* was firſt propounded [*l*] by her great Enemy, the Regent *Murray*; and afterwards carried on by the Earls of [*m*] *Arundel*, *Northumberland*, *Weſtmerland*, *Suſſex*, *Pembroke* and *Southampton*, with many Barons, and by the Earl of *Leiceſter* himſelf; who, with his *own hand* [*n*] drew up Articles which he ſent to the Queen of *Scots*, in number ſix; two whereof were, *That ſhe ſhould do nothing which might be prejudicial to the Queen of* England, *or to the Children born of her, in the Succeſſion of the Kingdom of* England.. *That ſhe ſhould revoke her Aſſignment of the Kingdom of* England *to the Duke of* Anjou. The occaſion of this Article was, [*o*] that *Murray* had reported that the Queen of *Scots* had made over her *Title* to *England* to the Duke of *Anjou*, and that her Conveyance was confirmed at *Rome*: which the Queen utterly denied. And it was afterwards diſcovered to be an invention of *Murray*'s to alienate Queen *Elizabeths* mind from her. [l] Ibid. f. 118. [m] Ibid. f. 126, 127. [n] Ibid. f. 128. [o] Ibid. f. 118.

To obviate all theſe *Miſchiefs* and *Deſigns*; The Queen and her private Miniſters, the Earl of *Leiceſter*, Lord *Burleigh* and Sir *Francis Walſingham*, thought fit to improve the inſinuation and Overture of a Match [*p*] made by the Queen Mother of *France*, but not very vigorouſly purſued untill the Year 1571. 13 *Eliz.* and in the time of the Sitting of the [p] Ibid. f. 107.

Parliament of that Year, though 'twas not in that Aſſembly or their Journals taken notice of, it being * ſecretly managed by order of the Queen, by her two then great Confidents, the Earl of *Leyceſter*, and the Lord *Burleigh*, by the Mediation of Sir *Francis Walſingham*, then Embaſſador in *France*. Whether *Leyceſter* meant honeſtly and ſeriouſly in this Affair, I cannot determine; † he made great Profeſſions that he did; the then Poſture of Affairs being repreſented to him by *Walſingham*, in a Letter dated from *Paris*, *May* 14. 1571. in theſe Words.

* Compleat Ambaſſador, Queens Letter, f. 66. Burleigh's Letter, f. 69. Queens Letter, f. 83. & Qu. Let. f. 106.
† Ib. f. 105, 108. June 7. 1571. Ibid. f. 96.

MY very good Lord, The Proteſtants here do ſo earneſtly deſire this Match, and on the other ſide the Papiſts do ſo earneſtly ſeek to impeach the ſame, as it maketh me the more earneſt in furthering of the ſame. Beſides, when I particularly conſider her Majeſties Eſtate both at home and abroad, ſo far forth as my poor Eye-ſight can diſcern; and how ſhe is beſet with Forreign Peril, the Execution whereof ſtayeth only upon the Event of this Match; I do not ſee how ſhe can ſtand if this Matter break off. No particular Reſpect (as God is my Witneſs) moveth me to write thus earneſtly, but only the Regard I have to God's Glory, and Her Majeſties Safety.

Your Lordſhips to command,

Fr. Walſingham.

How *neceſſary* this Match was at this time for the *ſafety* of the Queen and Nation, we have the Opinion of this great Stateſman and Miniſter; with whom *Leyceſter* and *Burleigh* concurred in Opinion, as appears by their *ſeveral Letters* relating to theſe *Tranſactions*. And ſince the *French*, in the Sixth Article delivered in by the *French* Ambaſſador the Thirteenth of *April*, 1571. propounded the Succeſſion to be ſecured to the Iſſue of this Marriage, according to the *Laws* and *Cuſtoms* of the Realms; to which Queen *Elizabeth*, according to the common Opinion of the Underſtanding Men of thoſe Times, not having Right by *Inheritance* or *Proximity of Blood*, might think by this Act of Parliament (that in effect doth grant the general Surmiſe) to make good her Title, and by this way and means to notifie it to be according to the *Laws* and *Cuſtoms* of the Realm. For the Duke of *Anjou* could not but have notice of the pretended *Defectiveneſs* of her Claim, though not mentioned in the Treaty; and therefore this might haply be done as much as could be to meet with and ſatisfie that Objection, if it ſhould be made, and that this might be a private, though none of the great Conſiderations, of procuring and paſſing this Act. He that will but obſerve theſe Particulars of Hiſtory, and will take the pains to compare them with this Act, may eaſily perceive it was made as a Proviſion againſt ſuch *things*, *pretences*, and *attempts*, for the future, during Queen *Elizabeths* Reign, as had then been done, uſed, and practiſed: it being then doubted whether the *Laws* and *Statutes* of this Realm then in force, were ſufficient for the Preſervation of the Queens Perſon.

The Title of the Act is, *An Act whereby certain Offences are made Treaſon.* And the Bill in the *Commons* * *Journal* was called, *A Bill for Treaſons.*

* *Sabbati*, 21 Apr. 1571. fol. 18. b.

The

The Preamble upon the Parliament-Roll is, Forasmuch as it is of some doubted whether the Laws and Statutes of this Realm, remaining at this present in force, are available and sufficient enough for the Surety and Preservation of the Queens most Royal Person, in whom consisteth all the Happiness and Comfort of the whole State and Subjects of the Realm, which thing all dutiful, faithful, and loving Subjects ought and will with all careful Study and Zeal consider, foresee, and provide for; By the neglecting and passing over whereof with winking Eyes, there might happen to grow the Subversion and Ruine of the Quiet and most happy State and present Government of this Realm, which God defend.

Therefore * it was Enacted, Declared, and Established, That if any Person or Persons whatsoever, within the Realm or without, should compass, imagine, invent, devise or intend the Death or Destruction, or any Bodily harm, tending to Death, Destruction, Maym, or Wounding of the Person of Queen Elizabeth, or to Deprive or Depose her of or from the Stile, Honour, or Kingly Name, &c. or to levy War against her Majestie within the Realm or without, or to move or stir any Forreigners or Strangers with Force to Invade this Realm; or if any Person or Persons whatsoever shall maliciously and advisedly declare and publish, That Queen Elizabeth during her Life is not or ought not to be Queen of England, &c. or, That any other Person or Persons ought of Right to be King or Queen of the said Realm: or, That shall maliciously and advisedly set forth and affirm, That Queen Elizabeth is an Heretick, Schismatick, Tyrant, Infidel, or Usurper: That then all and every such said Offence and Offences shall be taken, deemed, and declared, by the Authority of this Act and Parliament, to be High Treason. * Rast. Stat. tit. *Treasons*, n. 27 f. 554. a

And be it also Enacted by the Authority aforesaid, That all and every Person and Persons, of what Degree, Condition, Place, Nation, or Estate whatsoever they be, which shall at any time in the Life of Queen Elizabeth, in any wise claim, pretend, utter, declare affirm or publish themselves, or any of them, or any other than Queen Elizabeth, to have Right or Title to have and enjoy the Crown of England during or in her Life-time, or shall usurp the same Crown or Royal Style, Title, and Dignity, during or in her Life-time; or shall hold and affirm, That she had not Right to hold and enjoy the said Crown, or shall not (after demand) effectually acknowledge her to be in Right, true and lawful Queen: They and every of them so offending, shall be utterly disabled during their Natural Lives onely, to have or enjoy the Crown or Realm of England, or the Style, Title, or Dignity thereof, at any time in Succession, Inheritance, or otherwise, after the Decease of the Queen, Ibid. b

Queen, as if ſuch Perſon were naturally dead: Any Law, Cuſtom, Pretence, or Matter whatſoever to the contrary notwithſtanding.

Ibid. f. 554. b. And be it further Enacted, That if any Perſon ſhall, during the Queens Majeſties Life maintain, hold and affirm any Right in Succeſſion, Inheritance, or Poſſibility, in or to the Crown or Realm of England, or the Rights thereof to be in any ſuch Claimer, Pretender, Utterer, Declarer, Affirmer, Uſurper, Publiſher, or Not-acknowledger, ſhall be a High Traytor, and ſuffer and forfeit as in Caſes of High Treaſon.

Ibidem. And for the Confirmation and making good what had in this Law been hitherto Enacted, as much as might be, it was further Enacted,

This Clauſe was mainly intended againſt the pretended Authority of the Pope, by which he depoſed her. That if any Perſon ſhould in any wiſe hold and affirm, or maintain, That the Common Laws of this Realm not altered by Parliament, ought not to direct the Right of the Crown of England; or, That our Sovereign Lady Queen Elizabeth, with and by Authority of the Parliament of England, is not able to make Laws and Statutes of ſufficient force and validity to limit and bind the Crown of this Realm, and the Deſcent, Limitation, Inheritance, and Government thereof; or, That this preſent Statute, or any part thereof, or any other Statute to be made by the Authority of the Parliament of England, with the Royal Aſſent of the Queen, for Limitting of the Crown, or any Statute for Recognizing the Right of the ſaid Crown and Realm to be juſtly and lawfully in the moſt Royal Perſon of the Queen, is not, are not, or ſhall not, or ought not to be for ever of good and ſufficient force and validity, to bind, limit, reſtrain, and govern all Perſons, their Rights and Titles, that in any wiſe may or might claim any Intereſt or Poſſibility in or to the Crown of England, in Poſſeſſion, Remainder, Inheritance, Succeſſion or otherwiſe howſoever: Every ſuch Perſon ſo holding, affirming, or maintaining during the Life of the Queens Majeſty, ſhall be judged a High Traytor, &c. And every Perſon ſo holding affirming and maintaining, after the Deceaſe of the Queen, ſhall forfeit all his Goods and Chattels.

This Statute was a *peculiar Law* made for the *Preſervation* of Queen *Elizabeths Perſon* and *Title*; and this laſt Enacting Clauſe and Paragraph was made to ſtrengthen and confirm the former part of the Statute, which was a Proviſion and Security againſt ſuch Pretences and Practices as were ennumerated in the preceding Hiſtorical Account.

And if we conſider how much (if not altogether) her *Title* to the Crown depended upon *Statute-Law*, and how Queſtionable her *Birthright* was generally reputed to be, no man can much wonder if for her *own advantage* and *ſafety*, ſhe attributed more to an Act of Parliament than

than otherwiſe ſhe would have done. She was neceſſitated to take this courſe, to eſtabliſh her ſelf againſt the *Pretences* of the Queen of *Scots*, when her *Birth-right* could not do it, it being very doubtful whether ſhe was Legitimate, conſidering the Proceedings in the Divorce of Queen *Katherine*, Marriage of her Mother, and her Mothers Confeſſion * to Archbiſhop *Cranmer*, when the Statute was made for the declaring the Marriage null and void between *Henry* the Eighth and *Anne Bolein*, by which Statute ſhe was alſo ſolemnly Baſtardized. * 28 H. 8. c. 7. Pult. Stat.

And although Queen *Elizabeth*, at the *entrance* upon her *Government* was acknowledged to be * *rightly, lineally*, and *lawfully Deſcended* from the *Blood Royal* of this Realm, which if true, had been a ſufficient Title, She being then the *only remaining Iſſue* of *Henry* the Eighth; yet her right was recognized as *depending* upon the *Lawes* and *Statutes* of the Realm, and by expreſs mention of and *reference* to the Thirty fifth of *Henry* the eighth; by which *Statute* the Crown was ſettled upon *her*, and the *Heirs of her Body* lawfully begotten; in ſeveral places whereof, ſhe is by the King her Father, *implicitly reputed* and *declared illegitimate*, and the *ſettlement* in that Act is made to her, *as not being lawfully begotten*, or having right to inherit. * 1 Eliz. c. 3. Ibidem.

In the firſt of her Reign before cited, when the *Crown* was *declared* to be veſted in her, and that *Declaration* and *Recognition*, as alſo the *Limitation* and *Declaration* of the *Succeſſion* of the Imperial Crown of this Realm mentioned and conteined in the Act of 35 *Hen.* 8. were to ſtand, remain, and be *the Law of this Land for ever*. Which notwithſtanding, when *Mary Queen* of *Scots* had *claimed* the Crown by right of *Inheritance*, and had ſpread abroad that *Title* unto it, and alſo the *Title* of the *Houſe* of *Suffolk*, and other *Titles* were whiſpered up and down; the Act of 35 *Hen.* 8. or this Act of *Recognition*, were not thought *ſufficient* to *ſecure* the Queen *Elizabeth*. Then was this Act in the Thirteenth of her Reign made meerly either to *create* or *ſtrengthen* her Title, and not to *Exclude* the Queen of *Scots* from the SUCCESSION, unleſs ſhe attempted any thing againſt her, or laid *Claim* to the Crown, which was alſo in its own nature a ſecuring Clauſe to Queen *Elizabeth*: But the great *Clauſe* of *Security* to Queen *Elizabeth* in this Act, was that *Clauſe* by which it was made *Treaſon* for any man to *affirm* that ſhe by *Authority* of Parliament *could not make Lawes and Statutes to bind the Succeſſion* of the Crown, or that this Act or other *Lawes* to be made by the Parliament of *England by her Royal aſſent*, for *limiting* the *Crown* and *recognizing* the *right* to be *lawfully* and *juſtly* in her *perſon, is not, are not, or ſhall not, or ought not to be for ever, of good and ſufficient force*. This *Clauſe* was *levelled* againſt the *Opinion*, That the Queen of *Scots* had the beſt Title; which began to ſpread, and gain much credit, as well amongſt the *Nobility* as *Commons*: By all which it is manifeſt, this *whole Act* was but Temporary; and therefore we may *note*, with *Pulton*, that it *expired* with Queen *Elizabeth*; and it was *no* Act of *Excluſion*, but a *Law* only to ſecure her Perſon, and to *make* and *confirm* unto her a *Title*, which without *Statute-Law* was *in it ſelf* at leaſt *doubtful*. And the *new Clauſe* which was added, That it ſhould be *High Treaſon*, during her Life, for any Perſon to affirm, ſhe by Authority of Parliament had not Power to Ibidem.

Queen, as if such Person were naturally dead: Any Law, Custom, Pretence, or Matter whatsoever to the contrary notwithstanding.

Ibid. f. 554. b. And be it further Enacted, That if any Person shall, during the Queens Majesties Life maintain, hold and affirm any Right in Succession, Inheritance, or Possibility, in or to the Crown or Realm of England, or the Rights thereof to be in any such Claimer, Pretender, Utterer, Declarer, Affirmer, Usurper, Publisher, or Not-acknowledger, shall be a High Traytor, and suffer and forfeit as in Cases of High Treason.

Ibidem. And for the Confirmation and making good what had in this Law been hitherto Enacted, as much as might be, it was further Enacted,

This Clause was mainly intended against the pretended Authority of the Pope, by which he deposed her. That if any Person should in any wise hold and affirm, or maintain, That the Common Laws of this Realm not altered by Parliament, ought not to direct the Right of the Crown of England; or, That our Sovereign Lady Queen Elizabeth, with and by Authority of the Parliament of England, is not able to make Laws and Statutes of sufficient force and validity to limit and bind the Crown of this Realm, and the Descent, Limitation, Inheritance, and Government thereof; or, That this present Statute, or any part thereof, or any other Statute to be made by the Authority of the Parliament of England, with the Royal Assent of the Queen, for Limitting of the Crown, or any Statute for Recognizing the Right of the said Crown and Realm to be justly and lawfully in the most Royal Person of the Queen, is not, are not, or shall not, or ought not to be for ever of good and sufficient force and validity, to bind, limit, restrain, and govern all Persons, their Rights and Titles, that in any wise may or might claim any Interest or Possibility in or to the Crown of England, in Possession, Remainder, Inheritance, Succession or otherwise howsoever: Every such Person so holding, affirming, or maintaining during the Life of the Queens Majesty, shall be judged a High Traytor, &c. And every Person so holding affirming and maintaining, after the Decease of the Queen, shall forfeit all his Goods and Chattels.

This Statute was a *peculiar Law* made for the *Preservation* of Queen *Elizabeths Person* and *Title*; and this last Enacting Clause and Paragraph was made to strengthen and confirm the former part of the Statute, which was a Provision and Security against such Pretences and Practices as were ennumerated in the preceding Historical Account.

And if we consider how much (if not altogether) her *Title* to the Crown depended upon *Statute-Law*, and how Questionable her *Birthright* was generally reputed to be, no man can much wonder if for her *own advantage* and *safety*, she attributed more to an Act of Parliament than

than otherwiſe ſhe would have done. She was neceſſitated to take this courſe, to eſtabliſh her ſelf againſt the *Pretences* of the Queen of *Scots*, when her *Birth-right* could not do it, it being very doubtful whether ſhe was Legitimate, conſidering the Proceedings in the Divorce of Queen *Katherine*, Marriage of her Mother, and her Mothers Confeſſion * to Archbiſhop *Cranmer*, when the Statute was made for the declaring the Marriage null and void between *Henry* the Eighth and *Anne Bolein*, by which Statute ſhe was alſo ſolemnly Baſtardized. * 28 H. 8. c. 7. Pult. Stat.

And although Queen *Elizabeth*, at the *entrance* upon her *Government* was acknowledged to be * *rightly, lineally*, and *lawfully Deſcended* from the *Blood Royal* of this Realm, which if true, had been a ſufficient Title, She being then the *only remaining Iſſue* of *Henry* the Eighth; yet her right was recognized as *depending* upon the *Lawes* and *Statutes* of the Realm, and by expreſs mention of and *reference* to the Thirty fifth of *Henry* the eighth; by which *Statute* the Crown was ſettled upon *her*, and the *Heirs of her Body* lawfully begotten; in ſeveral places whereof, ſhe is by the King her Father, *implicitly reputed* and *declared illegitimate*, and the *ſettlement* in that Act is made to her, *as not being lawfully begotten*, or having right to inherit. * 1 Eliz. c. 3. Ibidem.

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bind the *Crown*, and *Succeſſion* thereof; or, That the Right of the Crown and Realm was not juſtly and lawfully in her Royal Perſon; cannot *affect* the *Title* of a lawful *Succeſſor* by *Inheritance*, nor be brought or made uſe of as a *Precedent* to *exclude* him from the *Succeſſion*.

But it may be ſaid, There is a great Forfeiture inflicted upon every Perſon holding and affirming, *after her Deceaſe*, That Queen *Elizabeth* and a Parliament *could not limit the Succeſſion*, and *fix the Crown upon her own Head*.

This Clauſe could take no effect after her death, and therefore was *added* to preſerve her Memory from being defamed after her Death, or ſlanderouſly charged with the *hainous Crime* of *Uſurping* the Crown, which muſt have been the *inevitabble Conſequence* of affirming ſhe and her Parliament could not limit the Succeſſion.

For ſhe valued much her Credit and Reputation, and would ſeem to maintain ſtill, that ſhe acted nothing againſt the Queen of *Scots*; and therefore the *Law* is made in *general Words*, againſt *every Perſon or Perſons whatſoever*, of what Degree, Place, Nation, or Condition whatſoever, that ſhould affirm ſhe was not in Right true and lawful Queen, or that ſhould claim the Crown, *&c.*

In the *Point* of *Succeſſion* ſhe could never be brought expreſly by Name to *exclude* the Queen of *Scots*, or *name* any other *Succeſſor*, as is clear from theſe ſeveral Paſſages in *Camden*.

Camd. Eliz. f. 73. A. D. 1564. *Dudley* deſirous by all means to oblige and obtain the Favour of the Queen of *Scots*, accuſed the Lord Keeper *Bacon* to the Queen, That he had intermedled againſt the Queen of *Scots* in the matter of Succeſſion; for which he loſt the Queens Favour, and was with much ado at laſt reſtored to it again by the Mediation of *Cecil*, † upon which our Author ſays, *Certainly the Queen never heard any thing more unwillingly, than that the Right of Succeſſion ſhould be called in queſtion or diſputed.*

† Ibidem.

Ibid. fol. 75. The ſame Year Queen *Elizabeth* hearing of a Match like to be between the Queen of *Scots* and *Henry* Lord *Darly*, to prevent it, adverti ſed her, by her Lieger *Randolph*, That that Marriage was generally ſo diſliked by all the *Engliſh*, *that ſhe had Prorogued the Parliament to another time, againſt the minds of her Council, leſt the Eſtates of the Realm being incenſed, ſhould even for this cauſe Enact ſomewhat againſt her Right to the Succeſſion.* Which that it might not be done afterwards, ſhe recommended *Leyceſter* unto her for a Husband, whom chiefly for that Reaſon ſhe had created Earl.

Jus Succeſſionis.

Ibid. fol. 83. In the Year 1566. a Parliament was called to meet on the Firſt of *November*. They began to *Debate* roundly about the *Succeſſion*; and the Earls of *Pembroke* and *Leyceſter*, and Duke of *Norfolk*, thought *that an Husband was to be impoſed upon the Queen, or a Succeſſor publickly deſigned by Act of Parliament, even againſt her will.* Whereupon they were excluded the Preſence-Chamber, and denied Acceſs to the Queen;

Ibid. & f. 84. *but they ſoon ſubmitted themſelves to her, and obtained pardon.* Yet the Upper Houſe did by the Lord Keeper *Bacon* adviſe, move, and pray her *to Marry*, and to *appoint a Succeſſor*, if ſhe or her Children ſhould die without Iſſue.

Ibidem. But ſome in the Lower Houſe *handled* theſe things more *tumultuouſly.*

tuously. Bell and *Monſon*, great Lawyers, *Dutton*, *Paul*, *Wentworth*, and others, who *grated* upon the Queens Authority too much, and amongſt other things *maintained*, That Kings were *bound* to deſign a Succeſſor. At laſt *they offered her far greater Subſidies than they were wont, upon condition that ſhe would deſign a certain Succeſſor.* She abſolutely *refuſed that extraordinary Offer*, and accepted an ordinary Sum, commending their Affection.

The laſt day of the Parliament ſhe made a Speech, and gave the buſie Men a ſmooth Reprehenſion. * *I find* (ſaith ſhe) *that in this Parliament DISSIMULATION hath walked up and down, masked under the Vizor of LIBERTY and SUCCESSION. Some of your Number there are that thought it LIBERTY to diſpute of the SUCCESSION, and that the Eſtabliſhment of the ſame is abſolutely to be granted or denied. If I had granted it, theſe Men had had their deſire, and had triumphed over me; but if I had denied it, they thought to have moved the Hatred of my People againſt me, which my greateſt Enemies could never yet do: But their Wiſdom was unſeaſonable, and their Counſels overhaſty, neither did they foreſee the Event: Yet hereby I eaſily perceived who inclined toward me, and who were averſe unto me, &c.* * Ibid. f. 89.

Upon this Speech *Camden* makes this Remarque, * *Thus a Womans Wiſdom ſuppreſſed theſe Commotions, every day ſo qualified them, ſhining clearer and clearer, that very few beſides ſuch as were ſeditious and fearful, were troubled about a Succeſſor.* And certainly moſt men, whatever they pretend, have no more ſenſe of Publick Matters, than what concerns their own Private. * Ibidem.

To theſe Teſtimonies of the Queens averſion to paſs a Bill of Excluſion of the Q. of *Scots*, may be added a very clear and convincing one out of the *Journal* of the Houſe of Commons, in the Fourteenth of her Reign, after the paſſing this Act, which is ſaid ſo much to favour a Bill of Excluſion. *Mr. Treaſurer of the Houſhold, Sir* Francis Knolles, *from the Queen, adviſed the Houſe of Commons to go forwards againſt the Queen of* Scots *with a ſecond Bill; and that her Majeſty minded not by any Implication or drawing of Words, to have the Scotiſh Queen either inabled or diſinabled to or from any manner of Title to the Crown of* England; *and willed, That the Bill be drawn and penned by her Learned Counſel, before the ſame be treated of in the Houſe; and that in the mean time of bringing in of that Bill, the Houſe enter not into any Speeches or Arguments of that Matter.* * Mercur. 28 Maii, 1572. fol. 53.

With the Journal agrees a Paſſage in the Lord *Burleigh*'s Letter * to Sir *Francis Walſingham* the Queens Embaſſador in *France*, *July* 2. 1572. two days after the Parliament was Prorogued. * Compleat Ambaſſador, fol. 219.

Now for our Parliament, I cannot write patiently: All that we laboured for, and had with full Conſent *brought to faſhion, I mean, a* Law *to make the* Scotiſh Queen unable *and* unworthy *of* Succeſſion *of the Crown, was by her Majeſty* neither aſſented to, nor rejected, but deferred until the Feaſt of All Saints. *But what all other good and wiſe Men may think thereof, you may gueſs. Some here have, it ſeemeth,* abuſed *their Favour about her Majeſty, to make her ſelf her moſt Enemy. God amend them. I will not write to you* who *were* ſuſpected. *I am*

ſorry

ſorry *for them*; *and ſo would you alſo*, *if you thought the* ſuſpicion *to be true.*

Your aſſured Loving Friend,

Will. Burleigh.

This Parliament did not meet again until the *Eighth of February*, *in the Eighteenth year of the Reign of Queen Elizabeth*, unleſs there be any better Authority than Mr. *Pulton's*, in his Statutes, to make it appear that it did. And although there never was greater *fear* and *danger* of the *Introduction* of *Popery* and *Arbitrary Power*, by reaſon of the Queen of *Scots Religion*, her *Pretences*, and *Practices*, and the *expectation* of great *Aſſiſtance* from abroad and at home, than at this time, yet we find not thoſe that were *ſuſpected* to have adviſed the Queen in this great Affair, to have been *branded* by Publick Vote, as *Betrayers* of the Queen, the *Proteſtant Religion*, and the *Kingdom* of *England*, *Promoters* of the *Scottiſh Intereſt*, and *Penſioners* to *Scotland.*

This is a faithful Relation of the *Succeſſion.* Whether I have fairly or partially *cited* the *Records* and *Hiſtories* I have uſed, any Man (if he pleaſe) may inform himſelf. Whether it be expedient, juſt, or lawful to go about to interrupt the lawful Succeſſion by Birth-right, or to endeavour to break or vacate the Laws and Cuſtoms of the Nation, by which it is Eſtabliſhed and Governed, without any Motion, Sollicitation, Procurement, or Intention of the preſent true and lawful King by Birth-right, for and upon the Suggeſtions in the Bill mentioned, I leave to the Conſideration of Wiſer Men than my ſelf. In ſmaller Matters than this it was ſaid, *Nolumus Leges Angliæ mutare.*

A Paralel or Compariſon between ſome Citations in the Author of the *Brief Hiſtory of Succeſſion*, *&c.* And the Words of the Authors themſelves.

Author of the Brief Hiſt. fol. 1. in the Margin.

E*Dwardum Elegerunt*, *Electum conſecraverunt*, *& in Regem unxerunt.* Sim. Dunelm. An. 975. f. 160.

Sim. Dunelm. Anno 975. col. 160. n. 40.

E*Dwardum*, UT PATER SUUS PRÆCEPERAT, *Elegerunt*, *Electum*, *conſecraverunt*, *& in Regem unxerunt.*

Fol. 3. in the Margin.

Hic Robertus *ſemper contrarius & adeo innaturalis extiterat Baronibus*

Hen. de Knighton, col. 2374. c. 8. n. 10.

Iſte Robertus *ſemper contrarius & adeo innaturalis extiterat Baronibus*

nibus Regni Angliæ *quod plenario conſenſu & Conſilio totius Comunitatis Regni ipſum refutaverunt & pre Rege omnino recuſaverunt &* Henricum *fratrem in Regem erexerunt.* Hen. *de* Knighton, *c.* 8. 2374.

nibus Regni Angliæ *quod plenario Conſenſu & Conſilio totius Comunitatis Regni,* IMPOSUERUNT EI ILLEGITIMITATEM QUOD NON FUERAT PROCREATUS DE LEGITIMO THORO *WILLIELMI* CONQUESTORIS, UNDE UNANIMI ASSENSU SUO, *ipſum refutaverunt & pro Rege omnino recuſaverunt &* Henricum *fratrem ejus in Regem erexerunt.*

Fol. 4. In the Notes in the middle of the Folio.

In Conventu Epiſcoporum, & aliorum de Regno optimatum, Mat. Weſtm. f. 246. *an.* 1153.

Mat. Weſtm. f. 246. *an.* 1153. *n.* 10.

Rex *Stephanus* omni hærede viduatus præter ſolumodo *Henricum* Ducem recognovit, *in Conventu Epiſcoporum & aliorum de Regno optimatum.* Quod Dux *Henricus* jus hæreditarium in Regnum *Angliæ* habebat, & Dux benigne conceſſit ut Rex *Stephanus* tota vita ſua ſuum Regnum pacifice poſſideret.

Fol. 4. In the Margin.

Convenerunt interim die Statuto ex Mandato Regis ad Londoniam *totius* Angliæ *Epiſcopi, Abbates, Comites, Barones, Vice-Comites, Præpoſiti, Aldermanni cum Fidejuſſoribus,* Gervas. Hen. 2 fol. 1412. And, *fol.* 4. in the Body of his Hiſtory, ſays, *This was a Parliament in which* Henry *the Second procured his Son* Henry *to be declared King, together with himſelf, by their conſent.*

Chronica Gervaſii, col. 1412. lin. 4.

Convenerunt interim die Statuto ex Mandato Regis ad Londoniam *totius* Angliæ *Epiſcopi, Abbates, Comites, Barones, Vice-Comites, præpoſiti Aldermani, cum Fidejuſſoribus ſuis timentes valde omnes. Quiſque juxta conſcientiam ſuam metuebat, neſciebunt enim, Quid Rex ſtatuere decreviſſet ipſa die* Henricum *filium ſuum qui eadem ſeptimana de* Normannia *venerat militem fecit, ſtatimque eum, ſtupentibus, cunctis & mirantibus,* in Regem ungi præcepit & coronari. Not one word here, or in all this ſtory of this Author, of their declaring him King.

Brief Hiſtory, *fol.* 5. in the Margin.

Poſt tam Cleri quam Populi ſolennem & debitam electionem, Rad. de Diceto, *fol.* 647.

Rad. de Diceto *Imagines hiſtoriarum,* col. 647. *n.* 40.

Comes Itaque Pictavorum *Ricardus* HÆREDITARIO JURE PRÆMOVENDUS IN REGEM *poſt tam Cleri quam Populi ſolempnem & debitam electionem, &c.*

Ibid. f. 5. In the Body of the Hiſtory.

King John *applies himſelf to the People for a more ſure Title* [*d*] *who being ſummoned together, choſe him King.*

Ibid. in the Margin, [*d*]

Prælatorum Comitum & aliorum Nobilium infinita multitudine, Brompt. 1281.

Chron. Johan. Brompt. col. 1281. n. 40, 50.

Johannes *ab* Huberto *Archiepiſcopo* Cantuarienſi *in Eccleſia B.* Petri Weſtmonaſterii INUNGITUR ET IN REGEM *ANGLIÆ* CORONATUR ASSISTENTE *Prelatorum, Comitum,* BARONUM & *aliorum Nobilium infinita multitudine.*

Fol. 10. in the Body of the Hiſtory.

Pleaſe it your Grace to underſtand the Conſideration, Election and Petition of the Lords Spiritual and Temporal and Commons, &c. Cot. Rec. fol. 709. This is all conſiderable which he cites out of this Record.

Exact Abridgment of Records in the Tower, fol. 709, 710, 711, &c.

This is a very long Record, and this is all conſiderable he cites out of it; whereas the whole Title of *Richard* the Third from Parliament in this Settlement is grounded upon his being (as they pretended) the only true, right and lawful Heir. See what is noted of this Record, and ſaid concerning *Richard* the Third in this Hiſtory.

Fol. 11. *in the Body of the Hiſtory.*

In the 25th. Year of *Henry* the Eighth, an Act paſſed, wherein the Parliament, in the Preamble, ſay, *They were* BOUNDEN *to provide for the perfect Surety of the Succeſſion.* They did not certainly reckon themſelves bound to do a thing that was not in their Power, *Stat.* 25 *H.* 8. c. 22.

Pult. Stat. 25 *H.* 8. c. 22. The Preamble.

In their moſt humblewiſe ſhewn unto Your Majeſty, your moſt humble and obedient Subjects, the Lords Spiritual and Temporal, and Commons in this preſent Parliament, &c. *That ſince it is the natural Inclination of every Man to provide for the Surety both of his Title and Succeſſion, although it touch his only private Cauſe*; We therefore reckon our ſelves much more BOUNDEN TO BESEECH AND INSTANT YOUR HIGHNESS TO FORESEE AND PROVIDE for the PERFIT SURETY OF BOTH YOU and your MOST LAWFUL SUCCESSION and HEIRS, *upon which dependeth all our Joy and Wealth*; in whom *alſo is* united *and* knit *the only* meer true Inheritance *and* Title *of this Realm, without contradiction.*

Theſe are ſome of his many wilful Miſtakes: and indeed, there is ſcarce one Inſtance in the Pamphlet that is not either falſely cited, or falſely applied.

FINIS.

ERRATA.

PAge 5. line 8. for *Emmy*, read *Emma*. l. 15. r. *quique*. p. 6. l. 16. f. *conſenſu*, r. *conſenſum*. l. 35. f. *preditorum*, r. *Proditorum*. p. 8. l. 17. f. *ſubjugandat*, r. *ſubjugavit*. p. 9. l. 11. f. *Alfred*, r. *Ailred*. l. 40. f. *Cliſonis*, r. *Chinnis*. p. 11. l. 11. f. *Congregatio*, r. *Congregato*. p. 13. l. 27. f. *Adjudicavit*, r. *Adjudicavit*.) p. 17. l. 41. f. *Numeri*, r. *noſtri*. l. 49. f. *Preſagia*, r. *preſaga*. p. 25. l. 25. f. *him*, r. *them*. p. 34. l. 42. in the Margin, r. *Compleat Ambaſſador, fol.* 85, 86, 87. p. 36. l. 31. in the Margin, r. *Rot. Parl.* 13 *Eliz. n.* 1.